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***SWAN Enhancing regional transportation
through Sustainable Water Aerodrome Network***

LEGAL FRAME ANALYSIS

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-ENGLISH VERSION-

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1. DEFINITION OF THE ASSIGNMENT OF THE LEGAL FRAME SERVICE IN THE SCOPE OF THE "SWAN" COMMUNITY PROJECT

The Municipality of Gallipoli (partner PB4) participates with the Port Authority of Corfu (Copolifila - Lead Partner LB), the Municipality of Corfu (Partner PB2), the Port System Authority of the Ionian Sea (Partner PB3) and the Municipality of Nardò (Partner PB5), to an interregional program, financed by the European Community and aimed at developing the tourist offer of the territory. The municipal body was assigned a specific budget for the construction of a maritime infrastructure capable of hosting seaplane traffic with seaplanes, therefore an aquatic base with its terminal and annexes, intended for the provision of services to passengers.

The GREECE - ITALY Cross-border Cooperation program is 85% co-financed by the European Regional Development Fund (ERDF) within the framework of the European Territorial Cooperation Objective of the same name - CTE, as per Regulation (EU) 1299/2013 of 17/12/2013, and provides for a share of national co - financing equal to 15%, and aims to support cross-border cooperation between Greece and Italy at a strategic level for a more prosperous and sustainable region along the border maritime.

The Program implementation strategy aims to improve the economic, social and territorial cohesion of the area and - at the same time - contributes to the achievement of the objectives of the Europe 2020 strategy and the Adriatic Ionian EU macro-regional strategy (EUSAIR). The focus of the Program consists in the exchange of knowledge, experiences and good practices, in the design and implementation of pilot actions necessary for the development of

sustainable growth policies, in the development of innovative products and services and in the support of investments in the area of cooperation.

For the success of the project, the Municipality of Gallipoli entrusted the various technical and legal consultancy services, etc. In this regard, the municipal body has launched a public procedure for awarding contracts, pursuant to and for the purposes of art. 36, paragraph 2, lett. a), of Legislative Decree no. 50/2016, of the "Legal Framework Analysis" service, referred to in WP 5 deliverable 5.4.2, as part of the "SWAN - ENHANCING REGIONAL TRANSPORTATION THROUGH SUSTAINABLE WATER AERODROME NETWORK" project - Interreg V / A Greece cooperation program- Italy (EL-IT) 2014-2020.

Upon completion of the public procedure, the "Legal Framework Analysis" service was entrusted to the writer, lawyer Giovanni Mastroianni, Tax Code MSTGNN77B23G596J, lawyer licensed to practice at the Higher Courts, specializing in Aerospace Law and Space Economy.

In carrying out his assignment, the professional has developed the following legal analysis, providing for the elaboration of international, community, national, regional and local legislation, useful for the purpose of creating a hydro-surface, as defined in the procedure for entrusting the legal service, therefore already in the exploratory notice for expression of interest, where in particular it was indicated: "*... the Project aims overall at an improvement of the current seaplane transport system and a greater use of the same. Seaplanes can be defined as fixed-wing aircraft capable of taking off and landing on water, which therefore operate in two different sectors, air and water. This results in a particular complexity of the connected legal framework, with*

consequent difficulty in identifying the procedure for obtaining the acts of consent under the responsibility of the various Bodies / Administrations / Offices to which competences in the matter are ascribed, including aviation and maritime authorities. , police and local administration; - the Project therefore aims at strengthening the institutional capacity and efficiency of public administrations regarding the construction and management of hydro-factories, and boasts, among its objectives, the harmonization of rules and regulations that involve both maritime legislation than that of aviation. The required activity requires knowledge inherent in both the Law of Navigation and its application to seaplane air transport, as well as a strong ability to interact with the various bodies involved in the various sectors. The objective of the requested activity, the results of which will be represented to the competent authorities as part of the Project, is to demonstrate how it is possible to harmonize the rules in force in order to facilitate transport by seaplanes.

The assignment that will be entrusted relates to the following activities: a. the analysis and recognition of the current legal framework inherent to the "seaplane" microcosm, meaning all the legislation, both sea and air, relating to the construction and management of a hydro-surface, as well as that relating to seaplane transport. The activity will have to cover both the legal profiles and the more strictly operational ones; b. the analysis and recognition of the acts of consent that must be achieved for the purposes of the construction and management of hydro surfaces and for the purposes of seaplane transport, with the elaboration of a procedural scheme that can be adopted in order to facilitate the process; c. the analysis and recognition of current legislation on security, with reference to what is indicated in the previous points; d. the

analysis and recognition of the jurisprudential evolution with reference to the profiles indicated in the previous points, with an in-depth analysis of the issues most subject to scrutiny by the Courts; And. on the basis of the results of the analysis referred to in the previous points, the development of a harmonized set of rules that can fully and easily regulate the subject of seaplanes; f. the harmonization of the regulatory framework in force in Italy with that in force in Greece, with reference to the construction and management of hydro surfaces as well as transport by seaplanes, in the ports of competence and / or identified in the Project, through the coordination of one's own analysis with that under the responsibility of the Lead Beneficiary (Port Authority of Corfu) ".

For greater completeness, we also proceeded to indicate the regulatory complex also relating to the construction of a seaplane base, as well as indicated the requirements and procedures relating to the maritime and aeronautical sector as applicable, as well as for the pursued purposes of general harmonization of this study. with that of the other project partners, both national and Greek.

In carrying out the assignment, the professional therefore proceeds with the required legal analysis, in the following ways and terms.

2. DEFINITIONS

Seaplane: airplane - flying boat on floats (amphibious or non-amphibious) or a seaplane - flying boat (only water or amphibious)

Complex Aircraft: aircraft with a maximum certified mass at take-off greater than 5700 kg, or certified for a maximum configuration of passenger seats greater than 19, or certified to operate with a minimum crew of two pilots, or equipped with one or more turbojet engines or more than a turboprop engine, in compliance with the provisions of art. 3 of Regulation (EU) no. 216/2008

Airport: delimited area, on land or water (including buildings, installations, plants), or on a fixed, fixed or floating offshore structure, intended, in whole or in part, for the arrival, departure and movement of aircraft surface

Aerodrome: a defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and movement of aircraft

Water aerodrome: a defined area, primarily on water, intended to be used either wholly or in part for the arrival, departure and movement of seaplanes, and any building and equipment on ground or water

Airfield: area suitable for the departure and landing of aircraft, which does not belong to the aeronautical state property

Waterways: a river, canal or other waterbody serving as a route or way of travel or transport

Water surface: air surface intended for the exclusive use of seaplanes or helicopters equipped with floats

Seaplane base: airport with an operations area located on the sea, where complex seaplanes can operate in commercial traffic operations

Fixed platform: A platform extending from the shore, on water and supported by pillars to hold it in position, intended to align alongside seaplanes for the purposes of embarkation and disembarkation of passengers, loading and unloading of cargo, or refueling or parking of seaplanes

Floating platform: A platform placed on open water authorized for the purpose of embarkation and disembarkation of passengers, loading and unloading of cargo by seaplane

Ground handling area: area on land, present in some sea waterways, where passengers embark and disembark

Area of operations: mooring area (or the ground handling area), the maneuvering connection, and the running area, as subsequently defined. Aircraft operations and maritime traffic coexist in the area of operations

Mooring area: part of a seaplane base used for mooring seaplanes and for boarding and disembarking passengers

Maneuvering Connection: part of a seaplane base used for the movement of seaplanes, which connects the mooring area (or from the ground handling area) to the running area

Water aerodrome movement area: the part of an aerodrome to be used for take-off, landing and taxiing of seaplanes, consisting of the maneuvering area and platforms

Water aerodrome operator: any organization/ or person in charge of a water aerodrome including employee, agent or other authorized representative

Water current: is rate of flow of the water

Water runway (channel) : a defined rectangular area on a water aerodrome, intended for the landing and take-off of seaplane along its length

Open sea: aquatic area of the seaplane base located outside ports or canals

Racing Area: area of a sea-based seaplane base located on the sea, prepared for take-off and ditching of seaplanes. The running area can take any geometric shape, according to the needs of the case

VDS: sport pleasure flying

AG: General Aviation

ULM: Ultralight Motorized Aircraft

ARP: Aerodrome reference point

MTOM: indicates the maximum take-off mass of the seaplane

VFR: acronym used to indicate the rules of visual flight

VMC: acronym used to indicate visual flight weather conditions

IMC: acronym used to indicate the meteorological conditions of instrument flight

ATS: Air Traffic Services", various flight information services, warning services, air traffic advisory services, and air traffic control services (including area control, approach and airport). Air Traffic Services or ATS are services provided to air traffic by an air navigation service provider or ANSP (Air Navigation Service Provider) for the safety and regularity of air traffic

ANSP: Air Navigation Service Provider, for the safety and regularity of air traffic

CTR: Control Area, which is a controlled airspace that extends upwards from the earth's surface to a specified upper limit

ATZ: Airport traffic area, such as an airspace of defined dimensions, established around an airport, for the protection of airport air traffic

AIP: Publication of Aeronautical Information, published by or with the authority of a State, containing aeronautical information of a durable nature, essential for air navigation

ENAC: National Civil Aviation Body

ENAV: National Flight Assistance Body

ACL: Aero Club of Italy

ANSV: National Flight Safety Agency

ICAO: International Civil Aviation Organization

MIT: Ministry of Infrastructure and Sustainable Mobility

MISE: Ministry of Economic Development

MiBACT: Ministry for Cultural Heritage and Activities and Tourism

GU: Official Gazette

L: Law

Reg: Regulation

DLGS: Legislative Decree

DL: Law Decree

DPR: Presidential Decree of the Republic

DM: Ministerial Decree

LR: Regional Law

Cod Nav: Navigation Code

Art: Article

Artt: Articles

WP: Work Programme

3. PRELIMINARY NOTES ON THE NATURE AND ACTIVITIES OF THE SEA PLANE

The seaplane is also defined internationally, already in the first vision of the ICAO, as an airplane or boat flying on floats, therefore both amphibious and non-amphibious, or as a seaplane - flying boat, only aquatic or only amphibian. The peculiarity of the seaplane therefore lies in its double soul which leads it to be considered, depending on the phases of use, as an aircraft when it takes off or is destined to land on stretches of water, and as a vessel from the ditching phase to take-off. , with the consequence that except for the particular and specific provisions, the same will be subject respectively to the rules of air navigation and maritime navigation.

The particular and varied technical nature of this extraordinary means of transport, assumes particular importance also regarding the landings, which can be both land when using an amphibious seaplane, and thus capable of landing on airports, airfields, airfields, etc. aquatic, in the event that the seaplane is destined to ditch and float on bodies of water.

The relative legislation also follows this typological complexity and, therefore, both the use of the seaplane and the infrastructures capable of accommodating this complex, but equally versatile means of transport and connection, are governed both by specific rules and by rules adopted by the sector. aeronautical or maritime

4. GENERAL RULES

Maritime and Air Navigation Code

First of all, the "Maritime and Air Navigation Code" deserves to be mentioned, which incorporates all international conventions as well as the Community legislation for the sector, formerly R.D. March 30, 1942, n. 327 as subsequently amended and integrated also by Legislative Decree no. 61 (in the Official Gazette 06/06/2018, n.129) and represents the main regulatory source of the Italian Navigation Law, understood and defined as the set of rules governing both maritime navigation (also "internal" exerted on rivers, canals and lakes) and aerial.

With regard to the implementation of the SWAN project, it is noted that this Code also represents the reference tool for the general regulation, in our country, not only of the navigation discipline understood in a material and dynamic sense, but also regulates fundamental aspects such as organization, management and work of the administrative and organizational apparatus, as well as the protection, management and use of state property, except as provided for by specific rules and regulations.

Sources of the right of navigation

Among the sources of the Law of Navigation should also be included the legislation produced by the European Union, established with the Treaty of Rome of 25 March 1957, made executive in Italy with the law of 14 October 1957, n. 1203, amended and integrated with the Single European Act of 17 February 1986, with the Treaty of Maastricht (signed on 7 February 1992 and

entered into force, following ratification by the member States, on 1 November 1993), with the Treaty of Amsterdam of 2 October 1997 (ratified with law no.209 of 16 June 1998, and entered into force on 1 May 1999), with the Treaty of Nice of 26 February 2001 (ratified with law no.102 of 11 May 2002) and finally, with the Lisbon Treaty.

Based on art. 80 of the Treaty of Rome, the provisions of Title V of the same Treaty, relating to the common transport policy, are fully applied to inland navigation taking place in the Member States, while, pursuant to art. 80, n. 2, the Council of the Union has the power to decide whether, to what extent and with what procedure appropriate provisions can be made for maritime navigation (Court of Justice - Grand Section - judgment 23-10-2007 - case C-440 / 05).

In any case, the European Court of Justice affirmed, in this regard, that art. 80 removes the maritime and air transport sector from the specific provisions of Title V, but not from the general principles of the Treaty. Member States are therefore required to observe the rules relating to the free movement of workers and those intended to protect competition in the maritime and air transport sector as well.

The problem of the relationship between Community rules directly applicable in the internal legal system (for example, regulations) and national law was resolved by the Constitutional Court which, adapting to the positions of the Court of Justice, recognized the prevalence of the aforementioned rules over those internal, placing them in the hierarchy of sources in a position of subordination to the Constitution alone and superordinate to ordinary law.

Maritime transport within the Community

The regulation of maritime transport in the EU, although subject to the general principles of the Treaty, found its main discipline in four EEC Regulations of 22 December 1986, which entered into force on 1 July 1987, partially modified and integrated.

These are the Regulations:

- No. 4055/1986, concerning the application of the principle of freedom to provide services, established by Articles 49 and 51 of the Treaty of Rome, to maritime transport between Member States and between Member States and third countries.

This regulation has the aim of eliminating: the commercial restrictions imposed on users by unilateral national measures, adopted by the Member States to protect their respective internal economies in the face of actions that are harmful to competition put in place by third countries; restrictions, deriving from load sharing clauses, contained in bilateral agreements stipulated between Member States and third countries;

- No. 4056/1986 (amended by Council Regulation (EC) No. 1/2003).

Regulation no. 1419/2006 of the Council of 25-9-2006 repealed the Treaty regulation on maritime transport; the same Regulation n. 1419 amended Regulation (EC) no. 1/2003 extending the field of application to cabotage and international transport services with non-regular cargo ships (competition matters);

- No. 4057/1986, concerning unfair pricing practices in international liner shipping, implemented by shipping companies of third countries, which give rise to serious disturbances in the structure of traffic on a specific Community

route and which damage or risk seriously damaging Community shipowners operating on this route and Community interests.

In the face of unfair tariff practices, the Union can impose countervailing duties on interested foreign shipowners.

These duties are aimed at compensating the economic damage suffered as a result of unfair pricing practices and also have the mediated function of protecting the Community shipping industry from foreign competition, if it does not comply with the principle of fair competition on a commercial basis;

- No. 4058/1986, concerning the regulation of coordinated action by the countries of the European Union for the safeguarding of free access to transport in transoceanic traffic.

This coordinated action can be promoted in the event that the commercial interests of the Member States are affected by the effect of cargo reserves in favor of shipping companies of third countries, or bilateral agreements for the sharing of cargoes between EU countries and third countries. . The action itself, in such cases, may consist both in diplomatic grievances by the Union, and in the adoption of administrative countermeasures such as quotas for goods, the imposition of financial charges, etc.

As will be specified below, other Regulations will update this pursued purpose to the new Community and international needs.

Air transport within the Community

In the air transport sector, services have been progressively liberalized within the European Union.

Among the most important Regulations governing the matter, the following must be remembered:

- N. 712/2019 relating to the protection of competition in the air transport sector;
- No. 2017/386 of the Commission, concerning the surveillance of the single European sky;
- Commission No. 2017/373, concerning the provision of air traffic management and air navigation services;
- No. 2015/1998 of the Commission, on aviation safety;
- No. 1318/2014 of the Commission, in the matter of air carriers subject to an operating ban within the Community;
- N. 376/2014 of the European Parliament and of the Council, concerning the reporting, analysis and monitoring of events in the civil aviation sector;
- No. 1079/2012 of the Commission of 16 November 2012, which establishes rules on the spacing of voice communication channels in the single European sky;
- N. 1361 of the Council, of 16 December 2008, amending Regulation (EC) no. 219/2007 concerning the establishment of a joint venture for the creation of a new generation European system for air traffic management (SESAR). The modernization project for air traffic management in Europe (SESAR project) constitutes the technological component of the single European sky.

Its purpose is to provide the Community, by 2020, with an efficient air traffic control infrastructure capable of ensuring the development of air transport on a safe and environmentally friendly basis, fully benefiting from the technological advances of specific programs;

- No. 1008 of 24 September 2008, of the European Parliament and of the Council, laying down common rules for the provision of air services in the Community.

Regulation no. 1008 arose from the need to make substantial changes to regulations (EEC) no. 2407/92, 2408/92 and 2409/92, on air fares for the transport of passengers and goods (regulations repealed by article 27), which were therefore reformulated and consolidated into a single regulation (in fact, regulation no. 1008/2008) also for the sake of greater clarity.

Regulation no. 1008 essentially governs the issue of licenses to Community air carriers, the right of Community air carriers to provide intra-Community air services and the determination of the price of such services;

-N. 1107 of the European Parliament and of the Council, dated 07.05.2006, relating to the rights of disabled persons and persons with reduced mobility in air transport (the sanctioning discipline for the violation of the provisions of EC regulation it is contained in the legislative decree 24-02-2009, n.24);

- The N. 411 of the Council of 21 February 2004, whose article 2 was repealed by Regulation (EC) no. 487/2009 of the Council of 25 May 2009;

- The N. 95 of 18 January 1993, aimed at guaranteeing a fair distribution of the slots (or slots) among the air carriers operating in Community airports.

In airports whose capacity is insufficient to allow the required aeronautical activities, the appointment of a coordinator responsible for the allocation of slots is envisaged, who must operate in an impartial, transparent and non-discriminatory manner.

From 1 January 1993 the customs controls and formalities applicable to hand and registered baggage of passengers flying intra-Community have also been abolished.

Simplifications of the obligations for European Union flights were also introduced by art. 8 of the law 5-2-1999, n. 25 (community law for 1998), through the changes made to art. 800 and 805 Cod. Nav ..

In fact, it has been established that - in cases of take-off and landing on Italian territory, without an intermediate stopover, of aircraft bound for Member States of the European Union or from them - the occupants must be in possession of valid documents for the expatriation and entry into Italy (and this circumstance must be mentioned in the flight plan) only if directed to or from a Member State that has not adhered to or has not implemented the Schengen Agreement of 14-6-1985 (between Benelux, Germany, France and Italy), ratified by law 30-9-1993, n. 388.

Laws to protect the public domain

Indeed, even in the wake of the Constitutional Law 3/2001, and also in line with the structure of competences drawn up within the Community, the sector of state-owned authorizations, but also the transport sector, is also partly regulated by the Regions.

To this end, the Regional Law No. 17/2006 published in the BURP No. 79 of 27.06.2006 is immediately noted, with which the powers in the field of maritime state property and the note of the State Property and Heritage Sector were transferred to the coastal municipalities. of the Puglia Region n ° 20/14879/1 of 12.12.2006 with which it is highlighted that the procedure to be

activated is that of the concession referred to in art. 36 of the Navigation Code, which indicates how the maritime administration, compatibly with the needs of public use, can grant the occupation and use, even exclusive, of state property and territorial sea areas for a certain period of time .

Concessions lasting more than fifteen years are the responsibility of the Minister for Merchant Marine, now Minister for Infrastructure and Transport.

Concessions lasting more than four, but not fifteen years, and those with a duration not exceeding four years that import difficult-to-clear facilities are the responsibility of the maritime director.

Concessions lasting no more than four years, when they do not import facilities that are difficult to evacuate, are the responsibility of the head of the maritime department (paragraph as amended by art.3, first paragraph, d. P. R. 13 July 1954, n. 747).

Indeed, on the question of state-owned concessions, it is necessary to underline that in the current regulatory and jurisprudential framework, including Community law, the maritime state-owned concession can no longer be subjected to any automatism, albeit tacit, but must necessarily be attributed through recourse publicly available procedures and, therefore, no obligation may arise on the part of the Public Administration. proceeding to provide for the granting of an automatic extension and likewise there is no obligation to provide reasons.

In this context, the formation of an implicit authorization provision, even if generated by silent consent, cannot be considered possible.

To this end, it should be noted that there is still a broad doctrinal debate and jurisprudential activity concerning Italy's failure to implement the prevailing Community provision.

However, in recent years various regulatory measures and rulings by national courts had led to a departure from this policy, attempting to mitigate its effects or postpone them over time.

But with the fundamental sentence of the Council of State 18/2021 of 11/9/2021 it was strongly reaffirmed that the extension of state concessions, meanwhile extended to 2033, is absolutely illegitimate and that the State must reassign the titles within two years , through public evidence.

The Council of State has refuted all the arguments supported by the current managers, highlighting how the bathing concessions must be reassigned within a maximum of two years through public tenders, since the extension to 2033 would be contrary to European law, as an automatic and general extension.

According to the highest Italian Administrative Judges, the existing titles would no longer be valid today, but "*in order to avoid the significant socio-economic impact that would derive from an immediate and generalized forfeiture of all concessions, as well as to take into account the technical times so that the administrations prepare the required tender procedures and in the hope that the legislator will intervene to reorganize the matter in accordance with the principles of European derivation*". It would thus be possible to maintain the effectiveness of the current concessions until December 31, 2023 but no later than because in this case, "*all existing state-owned concessions must be considered ineffective, regardless of whether or not it is a successor in the concession*".

Indeed, other important rulings had already been made by the same Council of State, which with ruling no. 7874/2019 had already expressed an exhaustive legal report on the extension of state-owned maritime concessions for recreational tourism purposes, which is part of the broad furrow traced by Community principles.

Previously, the Court of Justice, with its sentence of 14/07/2016, already highlighted how the experiment of public selection in the issuance of maritime state-owned concessions could represent the only procedure available for the issue of legitimate state-owned concession, as well as otherwise envisaged. from art. 37 Nav Code

It is therefore clear that the requirement deemed legally relevant and pre-eminent is that of the free circulation of services (EU cardinal principle), equal conditions, impartiality and transparency.

Indeed, as required by Directive 123/2016, the aforementioned guarantees generally applied to the public procurement sector could also be considered extended to state-owned concessions, also representing the latter an indisputable opportunity for profit for the subjects operating on the reference market, such as to impose therefore a competitive procedure inspired by the recalled principles of transparency and non-discrimination (see State Council, Section VI, January 25, 2005 no. 168; State Council, Section VI, January 31, 2017 no. 394).

For the same reasons, even the so-called cd could no longer be invoked. "Right of insistence", that is the right of preference of outgoing concessionaires, since any Administration that intends to proceed with a new concession of the maritime state property for recreational tourism purposes, will be required to launch a selective procedure and to give priority to the proposal for private

management of the an asset that offers greater guarantees of profitable use of the concession and responds to a more relevant public interest, also from an economic point of view.

This further confirms the lack of any automatism that allows the outgoing concessionaire to be able to take advantage in any way of a qualified situation with consequent (confirmed) inconfigurability of any obligation of extension pursuant to law or motivation for the proceeding Public Administration.

Again in the face of the outlined judicial and jurisprudential framework, with particular reference to that of a community matrix, the operation of the automatic extensions arranged by the national legislator ceases, which must thus be considered absolutely outdated and in any case not operative, as already happened through the 2016 ruling of the Community Judge, resulting in the non-application of art. 1, paragraph 18, d.l. n. 194/2009 and art. 34-duodecies, d.l. 179/2012.

For these findings, state-owned concessions, in the absence of a tender, can no longer be authorized, obviously not even implicitly and, therefore, even the most recent automatic legislative extension of state-owned concessions in place until 2033, indicated by art. single paragraph 683, L 145/2018, after the intervention of the Court of Justice in the "Visser" case (judgment 30/01/2018, case C-360/15) should be considered no longer effective.

To safeguard the uniformity of the law, it is recalled that public officials are obliged not to activate improper procedures or create acts "provoked" by unfounded requests, as they are instead called upon to disapply the national rules in contrast with the euro-unitary principle, as repeatedly reiterated by the

Council of State, like every operator of the Administrative System (see Cons. State, Section V, March 5, 2018 no. 1342).

Other rules of navigation law

The Code regulates the administrative organization of navigation, therefore of the administrative bodies of navigation (Articles 15 - 27) as well as public goods intended for navigation (Articles 28 - 61). Of the shipping company (Articles 265 - 322).

In the second part, relating to sea and air navigation, the administrative order of navigation is governed by the first book, in particular the administrative bodies and the technical regulation of navigation (Articles 687 - 690); the administrative regime of aircraft (Articles 743 - 775); the regulation of air services (Articles 776 - 791); the navigation police (Articles 792 - 825).

In the Second Book, dedicated to the ownership and operation of the aircraft, the set of rules relating to the shipping company (Articles 874-899) deserves to be mentioned.

Among the specific rules, in addition to those already mentioned above, the following should also be noted:

Art. 62, inserted in the context of the administrative, police and services activities in the ports, which regulates the "Movement of ships in the port". This rule appears to be fundamental because the delicate phase in which the seaplane must comply with purely maritime requirements is also regulated by the same, combined with individual provisions of the Territorial Authority, especially maritime ones.

Art. 743 provides a general notion of aircraft, precisely defined as any machine intended for the transport of people or things by air. Aircraft are thus considered to be remotely piloted aircraft, defined as such by the special laws, by the ENAC regulations and, for military ones, by the decrees of the Ministry of Defense.

The distinctions of aircraft, according to their technical characteristics and according to their use, are established by ENAC with its own regulations and, in any case, by the special legislation on the subject.

To aircraft built for pleasure or sport flying, included in the limits indicated in the annex annexed to the law of 25 March 1985, n. 106, the provisions of the first book of the second part of the Navigation Code do not apply.

Environmental, landscape and historical archaeological authorizations

Apart from the specific provisions that will be indicated and analyzed below, it appears useful to represent in general that any type of new installation, building and infrastructure, therefore the construction of any volume and system relating to an airfield, hydrobase or seaplane base, must necessarily be authorized by the responsible public bodies, not only with regard to the authorization or permit to build in the strict sense, since a provision of urban planning consent may be subject not only to the municipal provisions or the reference territorial body, but in various cases must also obtain further authorizations or clearances from other public bodies, which in turn exercise control and supervision for matters falling within their competence, such as those entrusted to the Ministry of the Environment competent for environmental authorizations.

The most used administrative tool to be able to obtain a definitive provision that involves several administrations, can be identified in the "Conference of Services", which regulates precisely the meeting between different public administrations on a common table, in order to better solve problems and discuss on common themes, simplifying and rationalizing the procedures that provide for the issuance of the required documents of consent (authorizations, permits, opinions, etc.) precisely necessary for the realization of new interventions, both public and private.

The discipline of the "Conference of Services" is provided for by the fundamental Law 241/90 of 7 August 1990, containing a provision on the subject of "New rules on administrative procedure and right of access to administrative documents".

This organizational formula is particularly suitable for accelerating decisions that therefore involve a multiplicity of interests and consequently a plurality of administrative structures, such as the Municipality, ASL, Fire Brigade, Region, Ministries etc., thus favoring the contextuality of decisions, through participation contemporary of the individual administrations, each for its own competence.

Among the general rules of greater significance we note the Legislative Decree 152/2006 of April 3, 2006, which entered into force in its historical text on April 29, 2006 (Official Gazette 14/04/2006) also referred to as the "Consolidated Environmental Law" o "Environmental Code" or "Environmental Code", which has as its primary objective the promotion of the quality levels of human life, to be achieved through the safeguarding and improvement of the conditions of the environment and the prudent and rational use of natural

resources; the protection of the environment and natural ecosystems and cultural heritage which must be guaranteed by all public and private bodies and by public or private natural and legal persons, through adequate action that is informed by the principles of precaution, preventive action , the correction, as a priority at the source, of the damage caused to the environment; sustainable development; any legally relevant human activity that must conform to the principle of sustainable development, in order to ensure that the satisfaction of the needs of current generations cannot compromise the quality of life and the possibilities of future generations.

The Legislative Decree regulates, among others, the procedures for the strategic environmental assessment (SEA), for the environmental impact assessment (VIA) and for the integrated environmental authorization (IPPC); the defense of the soil and the fight against desertification, the protection of water from pollution and the management of water resources; the protection of the air and the reduction of emissions into the atmosphere; compensatory protection against damage to the environment.

Finally, the powers and duties of the "Superintendence of Archeology, Fine Arts and Landscape for the provinces of Brindisi and Lecce" with headquarters in Lecce (territorial division of the Ministry of Culture), as well as identified by the current Legislative Decree 42/2004 "Code of Cultural Heritage and Landscape", therefore competent to protect the archaeological, historical-artistic, architectural and landscape heritage of reference.

5. HYDROVOLANTS, HYDROBASES AND HYDROSURFACES

With regard to the typological choice, by the partner Municipality of Gallipoli, of the hydro-surfaces that can be used for the construction of the infrastructural network envisaged by the SWAN project, it seems appropriate to reiterate the general legislative and regulatory scope in force in the Italian territory, where the provision of which to the Ministerial Decree Infrastructures and Transport of 01/02/2006 "Implementation rules of the law 2 April 1968, n. 518, concerning the liberalization of the use of landing areas ", where it is defined "hydro-surface ", that particular type of airfield intended for the exclusive use of seaplanes or helicopters equipped with floats (Art. 1 point 3), managed by people physical or legal entities which are responsible for its compliance with the requirements set out in the Decree, for its practicability in safe conditions also in relation to obstacles present along the take-off and landing trajectories and for the efficiency of the technical and operational equipment installed.

The standard is aimed at airfields, hydro surfaces and helipads, except for individual specificities, in order to make them usable for the landing, stay, transit and take-off of seaplanes.

On the definition of seaplane, reference is made mainly to that made by the International Civil Aviation Organization (ICAO) which classifies them as airplanes or "flying boats" on floats, both amphibians and non-amphibians, or as a seaplane or "flying boat" for only aquatic or amphibious activities.

With regard to the management of an airfield, it must first be indicated that it is subject to the consent, expressed in writing, of the owner of the area on which the airfield is located.

If the area belongs to the State or to public bodies, the management is subject to the authorization or the concession for use by the competent administrative authority.

The use of the airfield is generally subject to the consent of the manager, who is required to provide users with all the information necessary for the proper execution of the activity, and is limited to intra-community flights, except for cases of exclusion listed "*... referred to in articles 13.8, 15.2, 17.2 and 18.4 and in articles 22.4 and 23.2 for the management and use of the airfield, a specific authorization is required, issued by ENAC according to the procedure set out in Appendix 1*".

The D.M. 2006 in question, in the article entitled "Management - Procedural Rules" expressly indicates:

"1. The natural person or legal representative of the legal person that manages the airfield must be in possession of a permit issued by the questore of the province of residence or of the legal head office of the legal person, after also evaluating the non-existence of contraindications to the effects of the order. and public security as well as state security. 2. The operator shall send to ENAC at least forty days before the start date of the airfield management a copy of the authorization referred to in the previous paragraph, the details for his identification and for that of the owner of the area intended for the airfield, characteristic data of the airfield and any other documentation requested by ENAC".

Furthermore, the start of management and any changes to the elements indicated in the aforementioned paragraphs 2 and 3 must be promptly communicated by the manager to ENAC, the municipality and the provincial public security authority, through the local office or command of competent police for the territory. The same must also be sent by ENAC to the Ministry of Infrastructure and Transport - Department for Navigation and Maritime and Air Transport, to the Ministry of the Interior - Department of Public Security and to the competent Police Headquarters, to the Ministry of Defense - General Staff , the Ministry of Economy and Finance - General Command of the Finance Police, the Customs Agency, the ENAV company as well as the competent Region and Municipality in whose territory the works referred to in art. 1 of the decree *de quo*.

When the establishment of a new airfield, seaplane base, hydro basement, etc., also involves the construction of structures, particular systems and in any case volumes such as to affect not only from a strictly infrastructural point of view, but also from an urban, environmental, landscape or historical - cultural, it will be necessary to obtain all the necessary licenses, authorizations, consent documents and clearances from the other responsible public bodies.

The instrument through which it is possible to obtain the plurality of these acts, useful for the realization of new public and private interventions, is indicated in the "Services Conference", governed by Law 241/90 "New rules on administrative procedure and the right of access to administrative documents".

To this end, it should be noted that as part of the reform of the Public Administration, approved with the so-called "Madia Law", Parliament has

delegated the Government to further redefine and simplify the rules of the service conference with the aim, among others , to speed up the timing of the entire procedure, as well as to ensure that any type of conference has a certain duration (art. 2, L. 124/2015).

In implementation of the delegation, Legislative Decree 30 June 2016, n. 127 rewrote the regulations of the conference, completely reformulating articles 14 to 14-quinquies of Law no. 241/1990: "*The institute of the conference of services, whose general discipline is established in the law n. 241 of 1990 (articles 14-15), has been amended several times and partially reformed by law no. 127/1997 (articles 9-15) which amended law 241/1990. Subsequently, significant changes were made by law no. 15/2005 (articles 8-13), by law no. 69/2009 (Article 9), by D.L. n. 78/2010 (Article 4 9), by D.L. n. 70/2011 (Article 5), by D.L. n. 179/2012 (art.33-octies) and by D.L. n. 133/2014 (art. 25)* ".

With regard to the responsibilities of the pilot, pursuant to the following art. 5 of the aforementioned Ministerial Decree 2006, the pilot (in addition to requesting the consent referred to in art. 3.3) must communicate to the manager the following data for each movement, his name and that of any co-driver; the type of aircraft; aircraft brands; number of people on board; departure and destination time; arrival time and origin.

Pursuant to the Decree in question, activities on the airfields are permitted, in addition to the performance of unpaid activities, including those relating to public transport, school and aerial work activities.

Without prejudice to the responsibility of the airfield manager, the activities of public transport, school and aerial work are carried out under the responsibility

of the license holder pursuant to art. 778 of the Nav. and to the EEC / 2407/1992 Regulation (Art. 6).

The following article 8 concerning the "Occasional airfields or hydro-surfaces", indicates how any area of a size suitable for allowing occasional take-off and landing operations of aircraft is considered to be considered occasional (point 1), and how their use is also permitted for aerial work (point 2).

For the use of occasional airfields, the figure of the manager (referred to in art.3 of the Ministerial Decree 2006), the signs and fire-fighting assistance are not necessary, while the operator (certified) of the aerial work must carry out in advance its assessments on the adequacy of the airfield on the basis of the conditions of use, taking into account that, in any case, the dimensions of the airfield must be suitable for carrying out the landing run and take-off run of the aircraft for which it is envisaged employment.

The use of occasional air surfaces is also allowed for the practice of mountain flying in activities other than public transport, while the use of occasional hydro surfaces for operations is also permitted for activities other than aerial work.

The use of occasional airfields is limited to flights with origin and destination in the national territory without intermediate stopovers in the territory of another State.

The use of occasional airfields located on an area of private property is subject to the consent of the owner of the area, while they are located on an area owned by the State or public bodies, their use is subject to authorization or concession of use by the competent administrative authority.

In the case of occasional hydro surfaces that are located in areas open to public nautical traffic, no clearances or concessions for use are required, without

prejudice to the operator's responsibility to operate in compliance with navigation rules. The pilot remains responsible for compliance with current legislation on land use and environmental protection.

For this purpose, particular consideration should be given to point 2, last paragraph: "*The use of occasional hydro surfaces for operations is also permitted for activities other than aerial work*" as well as the last paragraph of point 4: "*In the case of occasional hydro surfaces that are located in areas open to public nautical traffic, no permits or concessions for use are required, without prejudice to the operator's responsibility to operate in compliance with the rules of navigation*".

Article 10 sets a series of limitations with marked reference to safety: "1. *The choice, management and use of an airfield are subject to compliance with the prohibited, dangerous and regulated areas indicated in the appropriate national aeronautical publications and are in any case subject to permanent or temporary restrictions established by the competent civil or military authorities.* 2. *The fulfillment of the provisions of this decree does not exempt from compliance with current legislation, also with regard to specific competences of other central and peripheral public authorities or local authorities, for carrying out activities on the airfields.* 3. *ENAC may at any time limit, suspend or terminate, with a justified provision, the management and / or use of an airfield.* of the use of the airfield is in any case ordered when the authorization of the manager is revoked, pursuant to art. 4.1. replied when requested by the Public Security Authority. 4. *ENAC may also limit the aerial activity on helipads and occasional airfields by geographical area, with a justified provision.* 5. *The information relating to the limitation, suspension and termination of the*

management of airfields is transmitted by ENAC to the subjects referred to in art. 4.5.".

Even in this case, the National Civil Aviation Authority assumes a fundamental role, also as a super partes controller and viewer, with competences throughout the country.

In Article 11, among others, the following general provisions are also represented:

1. The pilot carries out flight operations on the airfields under his own responsibility and is required to comply with the flight rules and procedures contained in the appropriate national publications and with any limitations and prescriptions dictated by the competent authorities;
2. The aerial activity on the airfields must be carried out in visual contact with the ground, in meteorological conditions not lower than the minimum ones prescribed by the visual flight rules and, limited to airplanes, during the day;
3. The pilot is responsible for compliance with current legislation on air traffic control;
4. If the aerial activity takes place in the mountains or in any area where bilateral radio contact with the competent air traffic control body is not possible, the pilot must tune the on-board radio to the frequency of 130.0 MHZ and carry out periodic air calls, in order to avoid traffic conflicts;
5. The ENAC may revoke, suspend or modify, in application of the current legislation, the authorizations, certifications and licenses issued when the violation of the requirements referred to in this decree is ascertained.

Again with regard to the activities of pilots on airfields, art. 21 indicates general provisions, referring to the "Requirements of pilots for the use of aircraft on

airfields" specifying that the pilot who intends to use aircraft on sloping airfields must also:

- a) be in possession of the authorization to use the sloping airfields (AP);
- b) be in possession of the rating for the type of aircraft used; c) have made at least five take-offs and five landings in the last ninety days prior to the date of use of the airfield.

For the use of occasional hydro surfaces, the pilot must have carried out at least:

- a) 25 hours of flying activities on seaplanes;
- b) five take-offs and five landings by seaplane in the last ninety days prior to the date of use of the water surface.

With regard to public transport with aircraft, the Ministerial Decree 2006 provides (Art. 22) that the use of airfields for public transport with aircraft is allowed only for flights: a) non-scheduled; b) with airplanes with a maximum take-off mass not exceeding 5700 kg and a number of passenger seats not exceeding 9.

Operations on the airfields are permitted in compliance with the technical-operational provisions in force and in compliance with the certification documentation and the aircraft use documentation. The documentation of use must contain the provisions and information necessary for personnel employed in flight operations on airfields.

Public transport takes place under the responsibility of the operational director of the company concerned who, for this purpose, must arrange for the carrying out of a ground and in-flight reconnaissance on the airfields of intended use.

The use of the airfields for public transport must be authorized by the ENAC. These airfields must meet, among others, the following requirements, therefore equip themselves with:

- a) fencing in the case of terrestrial airfields;
- b) movement area adapted to the characteristics of the aircraft;
- c) ambulance and first aid service available in a timely manner;
- d) telephone number;
- e) ground / air / ground communication radio equipment.

Equipment and qualified personnel must also be available to ensure first rescue and fire-fighting interventions.

The National Civil Aviation Authority may require, depending on the orographic, meteorological and traffic characteristics, the adoption of specific operating procedures.

The manager must make available to ENAC the survey of obstacles affecting the landing directions of Ministerial Decree 1/2006 (app. 3) and must determine the following runway distances to be submitted to ENAC for approval:

- a) run available for take-off;
- b) distance available for take-off;
- c) distance available for acceleration-stop;
- d) distance available for landing.

Operations are not permitted in the presence of mud, water, snow or ice on the track.

The aircraft operator must report the performance tables and / or graphs and contingency procedures of the aircraft used in the documentation of use.

For the hydro surfaces used as an operational base, the presence of a support boat capable of bringing assistance to all the people on board the aircraft in the water is required; the presence at the landing point on the ground of fire extinguishing means suitable for the category of the aircraft is also required.

The D.M. contains precise provisions for the permitted aerosol activity as indicated in Art. 23, and whose authorizations will always be conveyed to ENAC.

For the purposes of guaranteeing maximum safety, it should be noted that: during the training activities, among other things, protective measures or procedures must be adopted to keep the maneuvering area clear of people, animals and things; the telephone user must always be kept available, the ground / air / ground radio communication equipment; be in possession of updated graphics for descent and take-off paths where all obstacles are visible. Equipment and qualified personnel must also be available to ensure first aid and fire prevention interventions as well as medical first aid.

The aircraft operator must include in the documentation of use the tables and / or charts of the performance and contingency procedures of the aircraft used.

Finally, Article 24 also deserves mention, which indicates that aerial work is permitted in compliance with the technical and operational provisions in force and in accordance with the certification documentation and the aircraft use documentation. The documentation of use must contain the necessary provisions and information for personnel employed in flight operations on airfields. The aerial work activity on airfields is carried out under the responsibility of the operator.

6. The discipline of recreational or sports flying activities

The DPR 133/2010 "New regulation implementing the law 25 March 1985, n. 106, concerning the discipline of pleasure or sport flight "which also applies to seaplanes of the category contemplated therein.

In particular (Art. 3) the Decree recalls the pilot's responsibility for the conduct of the VDS apparatus, in particular for the conduct and use of the VDS apparatus from the stage of preparation of the vehicle for the execution of the flight up to the final commissioning safely for parking. In case of didactic activity, the pilot in charge is the flight instructor.

Particular attention is given to the "Safety systems" (Art. 4) that is the components and characteristics of the seaplanes, being in any case the responsibilities (even in case of accidental ditching) of reference of competence of the pilot, manufacturer, operator or owner.

Also worth mentioning are the express measures dedicated to the issuing of restrictions, prohibitions and safety in general, limits to flight operations (Art. 5), as it is envisaged that ENAC, even at the request of the Ministry of Defense, in relation to the safety needs of civil and military air navigation, adopts specific restrictions of a temporary nature to flight activity, indicating the duration of the ban or limitations to the activity and the lateral and vertical limits of the areas concerned, so much so also with express reference to the ENAC Regulation "Aeronautical information service", approved by resolution of May 24, 2007. This information is also necessary for the operators and managers of the hydrobases to be set up soon.

Likewise, the following article 6 "Use of the take-off and landing areas" which prescribes:

1. Take-off, landing and storage can be carried out on any suitable area, including airfields, hydro surfaces and helipads certified by ENAC as well as on occasional areas, in accordance with current legislation, with the prior consent of the operator. of the area or who can dispose of it, without prejudice to any prohibitions imposed by the competent civil and military authorities.
2. The docking and mooring operations of seaplanes and amphibians are subject to the same navigation rules in force for pleasure boats. During the flotation phase, seaplanes and amphibians are not subject to limitations related to the power of the motorization imposed by current legislation on the circulation of vessels. Speed restrictions are applicable only to the flotation phases following the completion of the ditching maneuver or preceding the start of the take-off maneuver.
3. Landing, take-off and flight operations near civil airports are carried out exclusively with authorization issued by ENAC, after coordination with the competent air traffic service provider. In the vicinity of airports and military installations, these activities are subject to the prior authorization issued by the Ministry of Defense, in compliance with specific technical agreements stipulated between the Air Force and the Aero Club of Italy.

Art. 8 examines the appliances qualified as "Advanced", as per law no. 106, currently the subject of extensive debate and legislative renewal. This category falls within the VDS category, but with higher quality standards, including those relating to innovations in navigation communication and identification

also by means of transponders, which allow them to be able to access airspace otherwise forbidden to the classic VDS flight.

With regard to the subsequent codification of air navigation rules, art. 9 "Traffic regulations", where it is envisaged that:

1. Flight activity with VDS equipment is carried out in compliance with the rules of daytime visual flight, the rules of the air and other regulations applicable to the airspace involved, issued by the ENAC and, in any case, outside the clouds and in meteorological and visibility conditions such as to allow continuous visual reference with the ground, water, obstacles and the possible presence of any other type of air traffic. The advanced aircraft referred to in Article 8 use all air navigation services in the same manner and the same obligations as other aircraft and comply with the operating practices agreed between the Aero Club of Italy and the traffic service provider. competent aircraft.
2. Unless otherwise authorized by ENAC, having consulted the competent air traffic service provider and taking into account the provisions of paragraphs 3 and 5 as well as Article 6, paragraph 2, the VDS activity is carried out outside the controlled airspace and from airport traffic areas, at a safe distance from obstacles and at a distance of not less than five kilometers from airports.
3. Unless otherwise authorized by ENAC, having consulted the competent air traffic service provider, the flight activity carried out with the aircraft referred to in Article 2, letter b), is permitted up to a maximum height of five hundred feet above the ground, determined by reference to the highest obstacle within a five kilometer radius. The five hundred foot limit is raised to one thousand feet on Saturdays and Sundays and other national holidays. Limited to flying

schools recognized by the Aero Club of Italy, the limit of five hundred feet is raised to one thousand feet within a radius of three kilometers from the location of the runway, where the school has the authorization to carry out its activity, subject to prior obligation coordination with military authorities in order to ensure the safety of operational and state military traffic.

4. The aircraft referred to in Article 2, letter b), are prohibited from flying over inhabited centers, gatherings of people, agglomerations of houses, barracks, ammunition depots, military ports, factories and plants industrial areas, of areas reserved for the purposes of state security. It is also forbidden to fly over railway lines and stations, power plants, dams, hospitals, prisons and the main communication routes, which, when strictly necessary, can be flown over in an orthogonal direction. It is also forbidden to throw objects and liquids in flight.

5. The possession of the advanced VDS pilot qualification or the possession of the advanced VDS instructor certificate referred to in Article 18, enable the pilot in charge, at the controls of an advanced qualified aircraft, to operate on all airports not open to traffic. commercial, on those open to commercial traffic indicated by ENAC, as well as in all Italian airspace open to visual flight. A similar faculty is granted to EU citizens in possession of the certificate referred to in Article 11, paragraph 6, in the event of an agreement concluded between the Aero Club of Italy and the equivalent body of the pilot's state of citizenship.

6. Uses other than VDS activity referred to in Article 2, letter a) are not permitted, with the exception of towing of free-flight aircraft and VDS gliders.

Regarding the classification of aircraft, and categories to which they belong, also Presidential Decree 133/2010 refers to the definition in art. 743 of the Nav.

"Concept of aircraft. By aircraft we mean any machine intended for the

transport of people or things by air. Remotely piloted aircraft, defined as such by special laws, by ENAC regulations and, for military ones, by the decrees of the Ministry of Defense, are also considered aircraft. The distinctions of aircraft, according to their technical characteristics and according to their use, are established by ENAC with its own regulations and, in any case, by the special legislation on the subject. To aircraft built for recreational or sports flying, included within the limits indicated in the annex attached to the law of 25 March 1985, no. 106, the provisions of the first book of the second part of this code do not apply ".

7. HYDROSCALS AND HYDROVOLANTS FOR AIR-SEA TRANSPORT OF LINE

Regulation I Ed 1.2016 the National Civil Aviation Body precisely indicating "Sea Hydroscales for commercial transport operations", by virtue of the provisions of the following rules: Regulation (EU) no. 216/2008 of 20/2/2008 laying down common rules in the civil aviation sector and establishing a European Aviation Safety Agency; Regulation (EU) n. 965/2012 of 5/10/2012 which establishes the technical requirements and administrative procedures regarding flight operations pursuant to Regulation (EC) no. 216/2008; Regulation (EU) no. 923/2012 SERA of 26/9/2012 which establishes common rules of the air and operational provisions concerning air navigation services and procedures; the specific rules of the Navigation Code; the London Convention of 20 October 1972 for the prevention of collisions at sea.

This rule is aimed at the traffic of turbine seaplanes, both single-engine and multi-engine, which are considered "complex aircraft" by Regulation (EU) no. 216/2008. When such aircraft are used in commercial transport operations they must necessarily operate from an airport suitable for the purpose, as established by Regulation (EU) no. 965/2012.

ENAC therefore decided to regulate the use of structures intended to accommodate complex seaplanes engaged in commercial transport operations operating on the sea, defining these structures (Art. 1) as "Sea Hydroscales".

For complex aircraft it is also specified that it must have a maximum certified mass at take-off greater than 5700 kg, or that it is certified for a maximum configuration of passenger seats greater than 19, or certified to operate with a

minimum crew of two pilots, or equipped with one or more turbojet engines or more than one turboprop engine, both in compliance with the provisions of art. 3 of Regulation (EU) no. 216/2008.

The same regulatory act thus defines the safety levels to be ensured in order to authorize the management and use of Sea Hydroscales intended for the operations of multi-engine turbine seaplanes with a maximum configuration of passenger seats up to 19 inclusive, in commercial operations, conducted in accordance with Regulation (EU) no. 965/2012.

However, the seaplane base is also open to non-complex seaplanes, and to non-commercial traffic as specified in the Marine Hydroscalo Manual (appendix 3 to the Regulations, which will also be indicated below).

In summary, the provisions are thus addressed to the following circumstances:

- a) at sea hydro-stations where multi-engine turbine seaplanes operate with a maximum configuration of passenger seats up to 19 inclusive, used in commercial transport operations;
- b) to the management of the Sea Idroscali;
- c) the operations of seaplanes on sea waterways, with specifics such structures are therefore represented by airports with an area of operations located on the sea, where complex seaplanes can operate in commercial traffic operations.

As sanctioned by art. 6 at sea waterways do not apply:

- ENAC regulations for the "Construction and Operation of Airports" (RCEA);
- the rules governing sea-stalls built in inland waters;
- the rules relating to hydro-surfaces regulated by Ministerial Decree 1/2/2006 (already mentioned above) and to all sea waterways where commercial air transport operations with complex seaplanes are not carried out.

The regulation also provides how the Sea Idroscali are established following an authorization issued by ENAC, following the proposal of a specific application for authorization, which is presented to ENAC by the legal representative of the company involved in the management. A copy of the application must also be sent to the Police Headquarters, the Maritime Property and the Port Authority Command.

The copy of the application for ENAC must contain the following attachments:

- a) Marine Hydroscalo Manual
- b) description of organizational responsibilities;
- c) evidence of the availability of a mooring area (or ground handling);
- d) (if applicable) request to the maritime authorities for the establishment of the following two regulated traffic areas:
 - area 1: maneuver connection;
 - area 2: racing area (both for navigation and for fishing).

The declaration in which it undertakes to pay the Entity the rights provided for in accordance with the ENAC Tariff Regulations in force.

Each application for modification of the authorization already issued by ENAC follows the same procedure as the initial authorization and can only be implemented following the communication of positive outcome by the ENAC.

Particular importance is therefore also assumed by the Marine Idroscalo Manual, included in Appendix 3:

Marine Hydroscalo Manual

- 1. The Marine Hydroscalo Manual is approved by ENAC, and must include or specify (as applicable) the following elements:*
 - a) ICAO location identifier;*

- b) geographical location;*
- c) critical operational seaplane;*
- d) technical conditions of use of the facilities for third parties;*
- e) description, shape, dimensions and coordinates of the mooring area, maneuvering connection and running area;*
- f) general description of the infrastructures;*
- g) coordination with the port authorities for search and rescue activities at sea (SAR);*
- h) graphic design of the infrastructures;*
- i) delimitation of aquatic areas, signs and visual aids;*
- j) description of the infrastructure and equipment for passengers and baggage;*
- k) baggage control and security management procedures;*
- l) telephone and email numbers and opening hours;*
- m) emergency plan and ground / air / ground communication systems;*
- n) management and dissemination of weather information;*
- o) assessments on aspects relating to the bird strike;*
- p) structures and procedures for the overnight stop of aircraft;*
- q) responsibility for data to be published in AIP Italia;*
- r) cartography and other data to be published in AIP Italia;*
- s) data to be provided to maritime authorities;*
- t) procedures for suspending operations and related communications;*
- u) anything else established by ENAC during the authorization process.*

The application for authorization can only be presented by legal persons and is issued by ENAC upon compliance with the requirements indicated in the same regulation and indicated in Appendix 1, also considering what is indicated in

Appendix 2, as well as the provisions of the relevant maritime authorities, which below indicate and in any case all that may be deemed necessary for safety reasons.

The indicated Appendix 1 textually indicates:

Procedures for the authorization of management

- 1. Following the submission of the application and its annexes, ENAC verifies the completeness and adequacy of the content.*
- 2. If the content is deemed satisfactory, a meeting is convened in which the following will participate:*
 - a) the manager of the company;*
 - b) the responsible persons indicated in the application;*
 - c) representatives of other authorities, as deemed appropriate by ENAC.*
- 3. Subsequently, the ENAC communicates any changes or additions to the documentation for the issuance of the authorization.*
- 4. Having verified the acceptability of the documentation, ENAC plans one or more visits to the designated site for technical-operational checks.*
- 5. Following the positive outcome of the checks and having acquired the opinion of the maritime authorities, ENAC sends the manager:*
 - a) the authorization for the management of the seaplane base;*
 - b) the surveillance plan.*
- 6. The authorization is issued for an initial period not exceeding 2 years.*
- 7. The authorization can be renewed at the request of the manager.*
- 8. On the occasion of renewal, or audits, or in other circumstances deemed necessary, ENAC verifies the persistence of the requirements for maintaining the authorization.*

While Appendix 2 reads:

Features recommended for site selection of the seaplane base

- *distance of at least 1 nautical mile from protected marine areas, in the absence of procedures compatible with the environment;*
- *distance of at least 0.5 miles from areas usually frequented by flocks of birds, in the absence of anti-bird-strike systems;*
- *distance of at least 0.5 miles from maritime trade routes, in the absence of other local traffic regulations;*
- *average current not exceeding 7 knots;*
- *geometry of the maneuvering and mooring areas compatible with undertow;*
- *adequate seabed (absence and distance from rocks and depths).*

Characteristics recommended for infrastructure and equipment

- *width of the boarding bridges not less than 1.5 m;*
- *slope of the boarding bridges suitable for people with reduced mobility;*
- *installation of devices to mitigate the effects of wave motion;*
- *installation of fenders, or equivalent in order not to damage the part of the aircraft in contact with the fixed installations;*
- *signals of dangerous areas for passage, as they are exposed (for example) to the flow of the engines, or to the movement of the propellers;*
- *ropes to hold aircraft in place and fenders and life jackets;*
- *lights for mooring signals;*
- *fire extinguishers at each parking position;*
- *flame suppression devices for refueling.*

The holder of the authorization assumes the role of manager of the sea water station and its use is in any case allowed to all operators and private subjects

who request it from the operator, according to the conditions and procedures contained in the aforementioned seaplane base manual. Marine.

The establishment of a seaplane base can never give rise to aeronautical servitude.

Unless authorized by ENAC and, provided that the relevant operating regulations do not require higher minimums, the use of sea water stations is limited:

- a) during the day;
- b) operations conducted according to visual flight rules (VFR);
- c) with a ceiling of no less than 450 meters;
- d) with visibility on the ground of no less than 5 Km.

In the absence of the Customs and Border Police service, operations are limited to Schengen flights only., While the presence of the Border Police service, but in the absence of the Customs service, operations are limited to intra-community flights only.

With regard to the Airspace and Navigation Area, art. 12 of the Regulation in question establishes:

1. *Unless authorized by ENAC, the seaplane base is located within an uncontrolled ATZ, set up to protect the racing area and the related traffic circuits.*
2. *The establishment of a seaplane base within a controlled area is subject to compatibility with the traffic of the area and is subject to evaluation by the ENAC, after hearing the opinion of the ANSP.*
3. *ENAC may establish the obligation to establish air traffic services (ATS) in relation to the expected traffic.*

4. *In the absence of an ATS service designated for the ATZ of the seaplane base, the ATS of the nearest airport relays any information relevant to air navigation originating from the airport operator.*
5. *The meteorological information and information relating to the state of the sea to be provided are established by the operator in function:*
 - a) *the location of the seaplane base;*
 - b) *the critical aircraft that can operate there.*

The management of sea waterways

The seaplane operator is responsible for compliance with the requirements of this regulation, for safe use and efficiency of the equipment installed.

The manager's organization defines the responsibilities for the proper conduct of operations, for the management of emergencies and for the supervision of first aid and fire protection, and for the management of the technical aspects. The responsibilities of the individual areas can be cumulated in relation to the scope of the operations.

The manager provides (Art. 10) to the immediate suspension of operations upon the occurrence of any event that compromises or causes the safety conditions of the seaplane base to fail.

The same operator makes the following registrations, for each flight:

- a) type and makes of the aircraft;
- b) location and times of departure and arrival;
- c) name of the pilot in charge and number of passengers.

The records are kept for at least 3 years, by its care, and made available during audits and / or inspections by ENAC, or at the request of the ANSV or the Judicial Authority.

The manager must protect the records from theft, damage, fire and flooding and produces the data to be published in the AIP, in accordance with the ENAC "Aeronautical Information Service" regulation. He must also promptly notify ENAC of the presence of new fixed obstacles that may have a negative impact on the safe conduct of flight operations and ensure the supervision of the seaplane base during: opening hours; the presence during operations of an operations manager; the management of emergencies and the supervision for first aid and fire prevention.

Whenever necessary, the manager must ensure access to the technical documentation and infrastructure of the seaplane base for ENAC staff.

Art. 16 indicates the "Communications of the manager" which the manager of the seaplane base is obliged to, which must communicate to the competent ATS body and to the maritime authorities, the conditions and events of any nature that require the issuance of notices to navigation.

Upon the suspension of operations for safety reasons, the manager promptly communicates the relevant information to the ATS and ENAC. In this regard, it is recalled that Air Traffic Services, or ATS, are services provided to air traffic by an air navigation service provider or ANSP (Air Navigation Service Provider) for the safety and regularity of air traffic.

The "Presidium for first aid and fire prevention" is governed by art. 17 and provides that it is the operator who must prepare an emergency management

plan and set up a garrison for the first rescue and firefighting intervention, with the aim of keeping the chances of survival of the seaplane occupants high in the event of an accident or intervention due to a technical problem on the surface.

For the preparation of the garrison and depending on the volume of traffic, at least one lifeboat must be available that allows the recovery of the seaplane occupants or the launch of a sufficient number of floating devices. The number of crew members and the safety equipment that must be present on board the lifeboat are established on the basis of a risk assessment carried out by the manager, taking into account the critical operational aircraft. Safety equipment must include at least one fire extinguisher, suitable for suppressing outbreaks of fire.

The emergency management plan and the supervision for the first rescue and fire prevention intervention is subject to approval by ENAC.

The first rescue and fire protection service must be available at least 15 minutes before the published flight times and in the case of flights without a published timetable, the first rescue and fire protection service must be available before mass. in motion of the first seaplane, or before the start of the approach phase of the first arriving seaplane.

The garrison for the first rescue and firefighting intervention must be available until the mooring of the last arriving seaplane, and up to 15 minutes after the last departing seaplane.

The personnel in charge of the first rescue and fire prevention intervention must receive adequate training and periodic refresher courses.

Emergency procedures must ensure:

a) the start of the emergency in 2 minutes;

b) reaching any point of the seaplane base in a total time not exceeding 10 minutes.

A nautical transceiver device must always be available, as well as a sound device for communications or emergency signals to boats or boats, present in the maneuvering junction or in the racing area and in the event that boats or boats do not respond to the signals, the person in charge of emergencies must promptly contact the harbor master's office.

On the other hand, the captain of the seaplane is responsible for every obligation regarding the operation of the aircraft, including every phase between starting, take-off, cruise and landing or ditching. His direct responsibilities also include those regarding the approach phase, which is possible only after having ascertained the availability of the garrison for the first rescue and fire-fighting intervention.

For operations on the water, the Captain complies with the following:

- a) from SERA.3230;
- b) from the Navigation Code.

The commander of the aircraft complies at all times with local maritime ordinances and with the orders of the harbor master's office and / or the commander of the local port.

Inside the maneuvering link (up to 200 meters from the coast) the aircraft must be driven at a speed not exceeding the minimum maneuvering speed, unless authorized by the local maritime authority.

At the maneuvering link, the captain of the aircraft must also pay attention to the possible presence of divers or swimmers.

The aircraft commander assesses the presence of fixed and moving obstacles, the wind conditions on the run area and the state of the water surface before the start of take-off or ditching and begins take-off or ditching under his responsibility, only when he is convinced of the suitability of the safety of the present conditions.

The commander plans and carries out the self-separation maneuvers referred to in the following points with a safety margin that takes into account:

- a) the size and relative speed of the mobile obstacle;
- b) the performance of the aircraft with a critical engine in operation;
- c) of a sudden failure to the propulsion systems of the mobile obstacle;
- d) the effects of the wake on the water produced by the moving obstacle.

The commander maintains self-separation from all fixed and mobile obstacles both horizontally and vertically, during take-off or ditching.

The minimum horizontal and vertical self-separation to be maintained is that provided for by Regulation (EU) no. 965/2012, Chapter 2, for the applicable part below.

For operations other than commercial traffic, the minimum self-separation to be maintained is 100 meters horizontally and 150 feet vertically from the highest point of the obstacles.

In the event that the moving obstacles are made up of fast, or in any case planing, or large displacement maritime vehicles, the captain of the aircraft separates himself also in terms of passage time to the intersection point, also taking into account the effects of the wake produced. from the moving obstacle.

For take-off and ditching, the captain of the aircraft:

- a) takes into account the effects of sea conditions on the spaces necessary for maneuvers;
- b) considers the performance of the aircraft in the event of a critical engine failure;
- c) establishes the time to begin take-off or ditching and the actual direction to follow based on the direction and intensity of the wind, wave motion and moving obstacles;
- d) carries out the maneuvers in such a way as to maximize the effective distance from the coast or from other fixed or mobile obstacles.

In addition to the above, when the racing area is located in the open sea, the commander:

- a) carries out the traffic circuits entirely on the sea, keeping at least 200 meters away from the coast;
- b) if you take off towards land, start the maneuver from a distance from the coast that allows, once taken off, to veer towards the sea, always keeping at least 200 meters away from the coast until you reach a no lower altitude at 1000ft;
- c) if you ditch to land, start the maneuver from a distance from the coast that allows a possible go-around and a subsequent turn towards the sea, always keeping at least 200 meters away from the coast, until reaching an altitude of not less than 1000 ft.

Other characteristics and functioning of the seaplane base

The 2016 ENAC Regulation also defines (Art. 12) the Characteristics and functioning of the Marine Hydroscalo which consists of the ground

infrastructures, the possible ground handling area, and the operations area, the latter being composed of the mooring, from the maneuvering junction and from the racing area.

The standard provides for the determination of the reference point of the Sea Hydroscalo (ARP) is constituted by the geometric center of gravity of the running area.

The operations area may not be reserved for the exclusive use of seaplanes. In this case, ENAC evaluates the decisions of the maritime authorities relating to the areas as indicated in point 3.d) of art. 9 of the Regulation itself: (3) ... the copy of the application for ENAC must contain the following attachments: ... (d) (if applicable) request to the maritime authorities for the establishment of the following two regulated traffic areas:

- area 1: maneuver connection;
- area 2: racing area (both for navigation and for fishing).

The coexistence and management of aircraft traffic with the maritime traffic in the area of operations takes place in accordance with Regulation (EU) no. 923/2012, in accordance with the provisions of paragraph SERA.3230, as well as the Navigation Code and outside the cases of application of paragraph SERA.3230, seaplanes use the operations area in compliance with the London Convention and the 1972 Regulations for the prevention of boarding at sea.

If the area of operations is located within ports and canals, Article 62 (movement of ships in the port), Part One, Book 1, of the Navigation Code also applies, which states that "*The port master regulates and supervises, according to the provisions of the regulation, the entry and exit, the movement, anchoring*

and mooring of ships, ditching, parking and movement of seaplanes in the waters of the port. "

The mooring area consists of an area available for stopping seaplanes, and can also be found inside ports and canals.

The maneuvering connection consists of an area that connects the mooring area to the racing area and its limits must be identifiable on sight with buoys or, if this is not practicable, referring to conspicuous points or structures on the ground.

The traffic rules and the priorities for the transit of seaplanes in the connection are established by the maritime bodies competent locally, in accordance with Article 62 of the Navigation Code, entitled "Movement of ships in the port".

Among the various provisions, this rule states that the port commander is required to regulate and supervise the entry and exit, the movement, anchoring and mooring of ships, ditching, parking and movement of seaplanes in harbor waters.

The running area can be inside a breakwater or in the open sea, and no point of it can be in bathing areas and the extent and positioning of the running area are determined (and reported in the Idroscalo Marino) taking into account:

- a) obstacles;
- b) the performance of the critical seaplane indicated in the Sea Hydroscalo Manual, in conditions of critical engine in operation;
- c) the prevailing weather conditions and the direction of the winds;
- d) the space necessary for take-off or ditching with possible go-around.

Unless ENAC approves specific obstacle limitation surfaces in this regard, the following is indicated:

- the traffic circuits must be carried out entirely on the sea;
- on take off, or following a go-around, the aircraft must still remain on the sea until it reaches an altitude of not less than 1000 ft.

The seaplane base is also open to non-complex seaplanes, and to non-commercial traffic as specified in the Marine Hydroscalo Manual.

With regard to the obstacle limitation surfaces (Art. 13), except for specific needs depending on the location of the seaplane base, there are no obstacle limitation surfaces for sea waterways, while the presence of mobile obstacles in the running area is managed by the commander of the aircraft in self-separation regime (Art. 14)

The identification for aeronautical purposes (Art. 15) of the limits of the aquatic areas of the Marine Hydroscalo is made by publishing the cartography in the AIP Italia and the limits of the aquatic areas must be recognizable with buoys or, where not practicable, in a visual by referring to conspicuous points or geometric references to geographical features on the ground, unless otherwise prescribed by the competent harbor master's office.

The recognition of the limits of the water areas must be adequate to the needs of the aircraft in flight and the position and recognition of the limits of the water areas must be compatible with the needs and requirements for maritime traffic, in order to also favor all the necessary data to identify, disseminate and publish the position and limits of the aquatic areas must also meet the requirements established by the maritime authorities and if the depth of the water reasonably permits.

In the event that the maneuvering junction and the running area are inside the breakwater, the perimeter of the running area can also be indicated by signals

with strong contrast colors, identifiable in flight at a height of 1000 ft or by IALA signals, unless otherwise prescribed by the competent harbor master.

According to the place where the seaplane base is located, the prevailing weather conditions, the type and volume of operations, the critical aircraft, and the maritime traffic in the area, the ENAC, having heard the opinion of the maritime authorities, prescribes the " installation of the following devices, as deemed necessary:

- a) signs with high contrast colors, for the identification of areas;
- b) devices that allow the pilot to visually determine the direction of the wind and to estimate its intensity;
- c) square signals.

The aforementioned devices must be identifiable in flight from an altitude of not less than 1000 ft.

8. FIRE-FIGHTING RULES IN ENAC REGULATIONS

Fire prevention regulations are often regulated by ENAC in the areas of its competence.

Among the various regulations, the ENAC Circular "General regulations on fire protection for general aviation airports and airfields" (Edition n ° 1 approved with emergency provision of the General Manager n. 9 / DG of 2 February 2011 deserves to be mentioned), where it considers how art. 690 - third paragraph - of the new Navigation Code (Legislative Decree no.96 of 09/05/2005 and subsequent amendments), regarding the implementation of the ICAO Annexes, provides that ENAC also determines, by administrative means through the issue of regulations, the conditions of applicability, implementation and regularity of fire fighting services in the airport, without prejudice to the technical regulation competences attributed to the National Fire Brigade, as defined by art. 26 of Legislative Decree n. 139/2006 "Reorganization of the provisions relating to the functions and tasks of the C.N.VV.F., pursuant to art. 11 of Law 29/7/2003 n. 229".

The D.M. 01/02/2006 "Implementation rules of law 21/04/68 n. 518, concerning the liberalization of landing areas", introduces for the airfields, instead of the fire-fighting service, the concept of first aid by qualified personnel and by means of suitable equipment commensurate with the type of aircraft operating. In particular, art. 25 of the aforementioned Ministerial Decree attributes to ENAC the updating of the provisions relating to these measures.

As part of the implementation of the ICAO legislation and the completion of the ENAC regulation in the field of airport firefighting services, the Authority has recognized the need to regulate the issue of fire protection also for general aviation airports. This need was shared within the ENAC - Department of Fire Department institutional table, set up due to the complex articulation of the regulatory framework for firefighting services, for the purpose of harmonious regulation of issues of common interest.

The institutional table took into consideration that the type of traffic at general aviation airports presents, by use and by class of aircraft (usually referable to fire categories 1 and 2), wide and significant similarities with that operating on aircraft surfaces.

From the analysis of the events that have taken place in recent years, it has been found that accidents in general aviation affect the airport grounds to a marginal extent and in any case have characteristics that require significantly different rescue methods than those required for commercial aviation.

The ENAC has thus provided for the redetermination of the level of protection for rescue and fire fighting in general aviation airports, providing, in place of the rescue and fire fighting service, the establishment of a first aid and fire fighting unit. fire prevention, also with a view to simplifying the discipline of the subject.

Therefore, taking into consideration the above mentioned Ministerial Decree dated 01/02/2006, the Regulation governs the following levels of protection:

- for general aviation airports to which, by explicit provision, the "Regulations for the Construction and Operation of Airports" of ENAC does not apply and which are therefore not certified;

- for the airfields referred to in Articles 22 and 23 of the D.M. 01/02/2006.

In relation to the potential and the wide range of operations permitted on general aviation airports, the minimum level of protection must in any case be provided continuously during the opening period, regardless of the type of activity that takes place on them; on the airfields, otherwise, the first intervention is required during the operations referred to in Articles 22 and 23 of the D.M. 01/02/2006.

The applicability (Art. 1) is addressed to general aviation airports and airfields referred to in Articles 22 and 23 of the D.M. 01/02/2006 must be equipped with a garrison for the first rescue and fire prevention intervention, aimed at ensuring an adequate level of protection.

With regard to the level of protection (Art. 2) it is established that on the airports and on the airfields referred to in the previous and cited article 1, the control for the first intervention consists of equipment of means, extinguishing agents, equipment and equipment as well as a minimum staff in compliance with the provisions of the regulations issued by the National Fire Brigade. Furthermore, on the airfields, the first intervention is required during the operations referred to in Articles 22 and 23 of the D.M. 01/02/2006.

Art. 3 places specific responsibilities for the establishment and maintenance of the first aid facility, where the manager, or other subject authorized by ENAC, is responsible for the first rescue and fire prevention intervention and ensures, at his own care and expense, the establishment of the facility and obtaining the relative qualifications from the Fire Brigade.

The person in charge of the first intervention must also ensure continuous compliance with the requirements of these Regulations and in particular ensure

the maintenance of both the validity of the qualifications of the operating staff and the efficiency of the means and equipment to be used for the intervention, through a specific maintenance program.

The surveillance of its inspection programs (Art. 5) on an ordinary or extraordinary basis is carried out by ENAC which verifies compliance with the requirements of these Regulations.

Finally, among the transitional provisions, it should be noted that pending the definition of the facilities referred to in the aforementioned Article 2 (2.1), airports and airfields can operate on the basis of existing means and equipment.

Still on the subject of safety, in the persistence of the effects of the pandemic, the recent adoption of the Commission Implementing Regulation EU 2021/255 of February 18, 2021 amending the Implementing Regulation (EU) 2015/1998 which establishes detailed provisions for the " implementation of the common basic standards on aviation safety with regard to the transport of goods, including those subject to explosions.

The regulatory rule extends the temporal effects of Implementing Regulation (EU) 2015/1998 for the applicability of the alternative and accelerated process for validations for the purposes of EU aviation security of operators in the Union incoming supply chain affected by the COVID pandemic- 19, guaranteeing an international strategic concept of advance cargo information before shipment (PLACI), in the framework of the SAFE standards of the WCO (SAFE FoS).

The circular highlights that shipment data, provided to regulatory authorities by shippers, air carriers, postal operators, integrators, regulated agents or other

entities as soon as possible before cargo is loaded onto an aircraft at the last point of departure , allow for an additional level of security which consists in carrying out a threat and risk analysis before departure by the customs authorities of entry.

For the purposes of civil aviation security, it is therefore appropriate to carry out, as soon as possible, before the goods are loaded on the aircraft departing from a third country, a first risk analysis on the goods to be introduced into the customs territory of Union by air as soon as the minimum data set of the entry summary declaration is received, thus confirming the adoption of the obligation to carry out a first risk analysis.

Article 186 of Commission Implementing Regulation (EU) 2015/2447 (5) establishes the process relating to the risk analysis and checks carried out by the customs office of first entry, while Article 182 of that regulation establishes the import control system, also in homage to the Commission Implementing Regulation (EU) 2015/1998 of 5 November 2015, which establishes detailed provisions for the implementation of the common basic standards on aviation safety.

The circular also mentions how the COVID -19 pandemic has severely impacted the ability of EU airports to complete the process of installing standard 3 explosives detection systems (EDS).

The Commission and the Member States confirm a strong commitment to complete the implementation of the latest technology for checking hold baggage.

9. SPECIAL LOCAL NAMES RELATING TO THE REALIZATION OF THE SWAN PROJECT

Report of air maritime activities carried out in the Apulian locations.

Among the various and specific critical issues faced and to be addressed, particular attention deserves the issue of noise pollution and environmental impact, these issues in part to be analyzed above all through the completion of ad hoc "noise tests", also by virtue of obtaining the certification to operate as an aerial operator for seaplanes, under the responsibility of ENAC, ENAV and the involvement of the Ministry of Infrastructure and Sustainable Mobility.

These specifications, together with particular overflight constraints, etc., have in fact already been highlighted by the technical partner who carried out the "fly tests" at various locations of the Apulian partners. In particular, it was possible to ascertain how in:

- Taranto, it is necessary to authorize the overflight (ENAC, ENAV, Airport Management) of the prohibited airspace called "P 27". Likewise, the ditching and take-off operations were organized with the competent offices of the Navy, Command Marina Sud Taranto and Port Authority of Taranto;
- Nardò, the "Fly Test" activities were recorded with the involvement of the National Civil Aviation Authority for the permanent certification procedures for the hydrobase and hydro-surface.

These activities were also accompanied by requests for authorizations and concessions sent to the competent national and local Authorities, as indicated in this legal study, by the relevant public bodies, already partners in the project.

Regulated airspace of Gallipoli

With regard to air navigation activities in the Gallipoli department, the authorization activity relating to obtaining permits for overflight, entry and exit from regulated airspace "R60", with possible coordination of all flight and ditching operations with the responsible Port Authority of Gallipoli.

As already advanced by the technical partner of the project, the fly test reports, in addition to being classified in the S.W.A.N.project, always include sending to ENAC and the Ministry of Sustainable Infrastructures and Mobility for the publication of the new landing sites for seaplanes, with a permanent NOTAV to all the Italian Capitanerie, with competence for the disclosure also of the General Command and the Port Authorities.

10. SOME ORDINANCES OF THE AUTORITY OF PORT OF GALLIPOLI

Before at the start of the W.P. related to the SWAN project, various hydrovoli activities are recorded in the areas and territories belonging to the jurisdiction and competence of the Apulian partners, which for the sake of completeness are highlighted in the present legal analysis, also in order to be able to understand, specifically, the delicacy of the matter treated and the complexity of the activities to be implemented, to ensure maximum effectiveness and efficiency in the realization of the purposes referred to in the funded Community measure, with maximum attention to the aspects of Safety and Security.

It therefore appears useful, for the purposes of an overall legal and regulatory framework of the case, to acknowledge the activity of the Gallipoli Port Authority in charge, in order to be able to understand in detail the specific and complex activity not only dictated by national and regional legislation, but also from the local one, which is expressed through administrative acts and measures whose observance is limited to the territory of competence.

For this purpose it should be remembered that even apart from specific prescriptions on the activities of seaplanes, the relevance of the navigation rules, therefore also those contained in the provisions of the Port Authorities, are extensible above all to the ditching, take-off and float of seaplanes, which from the moment they touch an aquatic surface or body of water, they are considered to be like a boat and therefore obliged to comply with the relevant maritime navigation rules.

Ordinance 48/2016 Gallipoli Port Authority

In 2016, the Port Authority of Gallipoli, in the face of waterborne activities, provided for a particular regulation of the case, which was also followed by other acts and measures that are reported.

With the issue with the Ordinance of no. 48/2016, containing "Regulation of navigation within the maritime compartment of Gallipoli and regulation of bathing safety in the maritime district of Gallipoli", the Port Authority of Gallipoli had some significant provisions aimed at regulating in detail, the hydrovolo activity in the stretch of sea and falling coast under its own administrative competence.

It must be acknowledged that the said ordinance was limited over time to the bathing season, as identified by the Puglia Region and established some important measures in the entire Maritime Compartment of Gallipoli, ie in the stretch of coast between the localities of "Punta Prosciutto" of the Municipality of Porto Cesareo and of "Casalabate" of the Municipality of Squinzano, extremes included.

The discipline was addressed to II to all other types of activities and rescue services of bathing establishments and free beaches (indicating specific "Sea areas reserved for bathing"), providing that along the coast under the jurisdiction of the Maritime Compartment of Gallipoli , the sea area reserved for bathing, for 24 hours a day, was set at 200 meters from the beaches (sandy shores) and from the low cliffs (to be understood those naturally reachable or equipped with special structures that allow easy use) and 100 meters, from the cliffs overlooking the sea (to be understood those where the seaside user cannot reach the underlying shoreline on foot as it can only be reached from the sea).

In the aforementioned sea area reserved for bathing, with the exception of small inflatables (mattresses, canoes), the navigation of any naval unit intended as transit, stop, anchorage and mooring and rowing boats, jole, canoes, sandolini was prohibited , skates, blowflies, lances and the like must navigate beyond the strip of sea intended for bathing as identified 1, without prejudice to the obligation to reach it through the appropriate launch corridors.

Similarly to the provisions of paragraph 3, windsurfing, kite-surfing, parachute and other types of sailboards must navigate beyond the sea strip intended for bathing as identified in paragraph 1, without prejudice to the obligation to reach it through the appropriate launch corridors.

Rescue and maritime police vehicles, as well as nautical vehicles engaged in water sampling services for bathing purposes, were excluded from the prohibitions in question, pursuant to the Decree of the President of the Republic 8 June 1982, n. 470 and subsequent amendments and additions.

The limit of the sea areas reserved for bathing, in front of the areas allowed under concession and the free beaches, had to be signaled by the concessionaires of the bathing facilities and by the municipal administrations, with red or orange buoys anchored to the bottom and placed at a distance 25 meters from each other, parallel to the coast line, at the end of the seaside front.

The mooring buoys have been prohibited from mooring nautical units even if outside the forbidden sea area.

The ordinance in question, always addressing the protection of bathing safety, indicated that the municipal administrations omit the affixing of the buoys referred to in the previous article, adequate signs have been affixed along the

coast, written in Italian, English, French, Spanish and German, bearing the words: "ATTENTION - WATERS LIMIT FOR NAVIGATION NOT SIGNALLED" (200 meters from the coast, in the case of beaches / sandy shores and low cliffs - 100 meters from the coast, in the case of sheer cliffs).

The municipalities concerned were obliged to check the permanence of the planned signs and, if necessary, take action for the immediate restoration of the same.

The prohibition of navigation within the strip of sea reserved for bathing remains in force in any case, therefore even in the absence of the indicated signs and in addition to the strip of sea reserved for bathing, thus identified in the ordinance, in order to guarantee the primary public interest of bathing safety and the protection of public safety:

The sea areas indicated below characterized by a mixture of nautical and bathing activities, have been reserved exclusively for bathing: a) Municipality of Gallipoli: sea area between the internal ends of the "Scoglio del Campo" and the "Scoglio dei Piccioni" and the perpendiculars carried by the aforementioned ends towards the coastline of the "Old Town", better identified in the Ordinance n. 115/2015 on 13 October 2015, the regulations of which are intended to be fully reproduced; b) Municipality of Porto Cesareo: sea area between the bathing establishment called "Tabù" and the islet in front, as well as, according to the terms established by article 3, paragraph 1, the stretches of water surrounding the other islets located at a distance of m. 500 from the coast; c) Municipality of Ugento: stretch of sea between the mouth of the port - east side - and the one joining the "La Terra" rock and the subsequent four outcropping

rocks, located south of the "La Terra" rock; stretch of sea between the coast and the rock called "Le Pazze".

In the aforementioned sea areas, with the exception of small inflatables (mattresses, canoes), the transit, parking, mooring and anchoring of any naval unit (including rowing boats, jole boats, canoes, sandolini, skates, flies, lances and the like, windsurfing and kitesurfing).

In the same time period indicated in this provision, swimmers who swim beyond the limits of the stretches of water reserved for bathing (200 meters from the beaches and low cliffs and 100 meters from the sheer coasts), for their greater safety, were obliged to use of the same signals prescribed for divers, but using a floating line no longer than 3 meters, which is in any case easily removable in the water in case of need / danger.

In proximity to these signals, the units in transit, if propelled by sail or motor, must moderate their speed and keep at a distance of not less than 100 meters from them.

Point 12 also indicated the exclusion for the whole year of the prohibition of ditching / taking off of seaplanes;

- in ports / landings / mooring points / docks and similar structures and within a radius of 200 meters from the mouth of the same;
- in the sea areas permanently used for the berthing of ships;
- in areas expressly reserved for naval transit.

Other important and relevant requirements have also been made explicit in Art. 4 (Launch corridors), where it is given to read:

1. In compliance with the regulations issued with art. 2, paragraph 2 of the Bathing Ordinance of the Puglia Region dated 02 May 2016 and in order to

allow the landing and departure of pleasure craft with motor, sail, sail with auxiliary engine and the vessels identified in art. 2, paragraph 3 and 4 of this ordinance, with the exclusion of kitesurfing regulated in the following article 5, in the stretches of water in front of the concession areas and free beaches, respectively the concessionaires for the tourist-recreational activities referred to in letters c), d) of art. article 1 of Legislative Decree 400/1993 in relation to the specific activities subject to concession and / or owners of any recreational - recreational activity including the holders of authorization to exercise leasing and rental activities, of guided dives with the support of naval units and coastal municipalities for the needs of planned public use are obliged to install "launch corridors" with the following characteristics:

- a) width not less than 10m, in correspondence with the shoreline and not greater than 10m. 20 towards the open sea (so-called funnel shape);*
- b) depth equivalent to the sea area reserved for bathing;*
- c) delimitation consisting of yellow buoys, spaced at intervals not exceeding 20 meters;*
- d) signaling of offshore openings by means of white flags placed on the external boundary buoys;*
- e) each buoy must bear the words "CORRIDOR RESERVED FOR VESSELS - BATHING PROHIBITED"; this prohibition must also be reported on a special sign placed on the shoreline at the entrance to the corridor, bearing the same wording.*

Another fundamental requirement was also indicated in the following article 7 for the purpose of "Further navigation restrictions":

- 1. The motor and sailing units, as well as the landed seaplanes, when they are located at a distance of less than 500 m. from the sheer cliffs and 1000 m. from the beaches, they must sail with the hulls in displacement and, in any case, at speeds not exceeding 6 knots.*
- 2. With the exception of navigation aimed at crossing to and from the launch corridors and without prejudice to the limit referred to in paragraph 1 above, jet skis, jet skis and similar cannot navigate by motor at a distance of less than 400 meters from the coast in the time slot between 11.00 and 13.00 and from 15.00 to 17.00 every day.*
- 3. Within the Maritime Compartment of Gallipoli it is forbidden to fly over the coast and the adjacent stretches of water, up to 500 meters from the coast, with any type of aircraft or private aircraft and for any purpose, at an altitude of less than 300 meters (1,000 feet), with the exception of emergency, military and police vehicles; for further cases relating to the discipline of pleasure and / or sports flying, please refer to the provisions of the specific sector regulations.*

These indications must be taken into due account for any further activity relating to the usability and good execution of the SWAN project, where they come from the competent Authorities and therefore capable of directly affecting every technical and operational activity.

In this regard, an institutional synergy between all the responsible bodies, institutions and authorities (in the present case including therefore the Municipality of Gallipoli), appears essential also to be able to possibly modify, adapt or renew, where possible, in a coordinated and coherent way, the regulatory and potestative requirements already in place, in order to achieve a better outcome of the purposes and usability of the SWAN project.

Ordinance n. 36 on 26 April 2018 of the Head of the Gallipoli Maritime Department "Regulation of navigation near the coast - Sea areas forbidden to navigation"

Although pertaining to bathing bans, this provision also deserves to be mentioned for the purpose of exhaustive knowledge regarding the essential safety and security profiles, linked to seaplane transport activities to be carried out in particular in the territories of the Municipality of Gallipoli and the surrounding coast. .

Article 1 of the provision in question places "Prohibition of navigation near the coast" with reference always to the "bathing season" (the definition of which has already been mentioned several times) within the Maritime Compartment of Gallipoli, which extends from territory between the locality "Casalabate" of the Municipality of Squinzano to the locality "Punta Prosciutto" of the Municipality of Porto Cesareo included.

In this case it is indicated that the strip of sea up to 200 meters from the beaches and / or from the low cliffs and 100 meters from the sheer coasts, has been forbidden to motor navigation to naval units in general, including "beach boats" (small boats commonly referred to as pedal boats, jigs, skates, sandolini), as well as the mooring / parking and anchoring of the aforementioned naval units, with the exception of those belonging to the police forces and those authorized to carry out water sampling.

The measure continues with the establishment of a buffer zone (Art. 2) relating to the crossing by motor and / or sail units of the strip of additional 50 meters from the one mentioned above, forbidden to navigation (200 meters from the

beaches and / or from the low cliffs and 100 meters from the sheer coasts), with the possibility of traveling only at slow motion, with a perpendicular route, only if aimed at reaching the coast.

Article 3 reviews the "Launch / Landing Corridors" establishing that the crossing of motor and / or sailing units (including the small beach boats mentioned above) in the sea strip in question is allowed only inside of the special launch / landing corridors, previously authorized, with a speed reduced to a minimum and a speed not exceeding 3 (three) knots, while the speed imitates near the area reserved for bathing.

Without prejudice to the navigation prohibitions indicated above, the motorized naval units that sail in the sea belt between 200 meters. (for beaches and low cliffs) and 100 meters (for sheer cliffs) and 1000 (thousand) meters from the coast, must keep a speed not exceeding 10 (ten) knots and, in any case, must navigate with the hull in displacement.

Gallipoli Port Authority Ordinance No. 61/2022 of 05/15/2022 which repeals and replaces Ordinance no. 28/2021 dated 11 May 2021

The Puglia regional law n. 17/2015 of 10.04.2015, establishes a whole series of general parameters on the Discipline of the protection and use of the Apulian coasts, including precisely those where the territories affected by the SWAN project of Nardò, Gallipoli and Taranto insist.

In this sense, the Ordinance no. 61/2022, issued on 11/05/2022 by the Port Authority of Gallipoli - Ministry of Infrastructure and Transport, in line with regional legislation, indicates how the coasts of the Maritime District of Gallipoli are partly made up of low sandy coasts, with sea areas facing with

bottoms of limited depth, and partly from coasts with low and high cliffs, with sea areas facing with rocky bottoms of medium and high depth. These characteristics have therefore imposed, as necessary and appropriate, special provisions to make bathing and other activities related to the use of the sea safer.

The Port Authority therefore saw the opportunity to regulate the aspects relating to the safety of navigation and bathers, as they are directly connected to the use of the maritime domain along the coast of the Maritime District of Gallipoli (which includes the coastal territory between the locality "Punta Prosciutto" of the Municipality of Porto Cesareo and the Municipality of Diso including extremes) and considered it appropriate to modify the current regulations on the safety of bathing activities, precisely in order to adapt them to certain needs that emerged during the previous seasons as well as arising from specific experience in the sector.

The need for this update therefore arises to guarantee the safest bathing, in order to guarantee the carrying out, in safe conditions, of the many activities that during the summer season are carried out near the coasts, coordinating and harmonizing the discipline of yachting and other maritime activities, as well as issuing special directives for rescue services.

This amendment took into account: Circular no. 120 Series I Maritime Property Title prot. n.DEM2A - 1268 dated 24.05.2001 of the same Ministry, having as its object the delegation of administrative functions conferred on the Regions; Circular no.82 / 022468 / I dated 03.04.2002 jointly signed by the Ministry of Infrastructure and Transport - General Directorate for Infrastructure of Maritime and Internal Navigation and the General Command of the Port

Authority Corps; note no. 34660 dated 07.04.2006 of the General Command of the Port Authority Corps "Seaside Ordinance - Allocation of competences between the maritime authorities and local territorial bodies regarding the regulation of bathing activities - Prescriptions concerning the regulation of safety and service aspects lifesaving "; the Ordinance no. 36 on 26.04.2018 concerning: "Regulation of navigation near the coast - Sea areas forbidden to navigation", with which the Head of the Maritime Department, in compliance with the provisions of art. 8 of the Law 08.07.2003, n. 172, and subsequent amendments and additions govern the navigation limits within the jurisdiction of the Gallipoli Maritime Department, which includes the coasts between the "Casalabate" locality of the Municipality of Squinzano and the "Punta Prosciutto" locality of the Municipality of Porto Cesareo; the dispatch n.02.01 / 13413 dated 08.02.2007 of the General Command of the Corps of the Port Authorities having as topic "compatibility between nautical activities: discipline"; its own Ordinance no. 42 on 18.05.2017 which approved the "Regulation on the Discipline of Nautical Pleasure within the Maritime District of Gallipoli".

These specific provisions have also been harmonized with the Ordinance dated 26.04.2022 of the Puglia Region, issued with Executive Act no. 294 of 26.04.2022, to regulate the use of the maritime state property and the stretches of water used for bathing, as well as the tourist-recreational facilities existing along the Apulian coast; Law 25.03.1985, n. 106 (Discipline of pleasure or sport flight) and the D.P.R. 09.07.2010, n. 133 (New regulation implementing Law 106 of 25.03.1985) as well as the Puglia Region Ordinance of 04.26.2022, issued with Executive Act no. 294 of 26.04.2022, to regulate the use of the

maritime state property and the stretches of water used for bathing, as well as the tourist-recreational facilities existing along the Apulian coast; articles 17, 30, 81 of the Navigation Code and articles 59 and 524 of the related Implementing Regulation - Maritime Part; the D.L. n. 24/2022 of 24 March 2022 containing "Urgent provisions for overcoming the measures to combat the spread of the OVID-19 epidemic, as a result of the cessation of the state of emergency"; articles 17, 30, 81 of the Navigation Code and articles 59 and 524 of the related Implementing Regulation - Maritime Part; the Law Decree n. 24 of 24 March 2022 on "Urgent provisions for overcoming the measures to combat the spread of the epidemic from OVID-19, as a result of the cessation of the state of emergency".

This deed also indicates specific aspects of Safety and Security that are also relevant to the hydrovolante activity, where particular attention is also paid to the lifeguard assistant who (for example) must be used exclusively for the rescue service and cannot be used to other activities, while the owners of the bathing facility are obliged to have first aid material, ready for use, as prescribed by the competent Health and / or Regional Authority, as specified in the Balenare 2022 Ordinance of the Puglia Region in date April 26, 2022.

The Ordinance in question therefore defines the "Sea areas reserved for bathing" within the Maritime District of Gallipoli, still included between the "Punta Prosciutto" locality of the Municipality of Porto Cesareo and the Municipality of Diso included, the sea area for a distance of 200 meters from the beaches and / or low cliffs and 100 meters from the sheer coasts, it is reserved for bathing ", specifying how the Puglia Region sets the time limits in which the aforementioned sea area is removed from public use of the sea.

The stretches of water are indicated by the owners of bathing establishments or by the coastal municipalities for those in front of free beaches.

In order to guarantee public safety, the sea areas indicated below characterized by a mixture of nautical and bathing activities are reserved exclusively for bathing:

- a) Municipality of Gallipoli: sea area between the internal ends of the "Scoglio del Campo" and the "Scoglio dei Piccioni" and the perpendiculars carried by the aforementioned ends towards the coast line of the "Old Town", better identified in the Ordinance n. 115/2015 on 13 October 2015, the regulations of which are intended to be fully reproduced;
- b) Municipality of Porto Cesareo: sea area between the bathing establishment called "Tabù" and the islet in front, as well as, according to the terms established by article 3, paragraph 1, the stretches of water surrounding the other islets located at a of m. 500 from the coast.
- c) Municipality of Ugento: stretch of sea between the mouth of the port - east side - and the one joining the "La Terra" rock and the subsequent four outcropping rocks, located south of the "La Terra" rock; • stretch of sea between the coast and the rock called "Le Pazze".

In the aforementioned sea areas, with the exception of small inflatables (mattresses, canoes) and beach boats (small boats commonly referred to as pedal boats, jigs, skates, sandolini, rowing boats, canoes, flies, lances and the like) transit is prohibited , the stop, mooring and anchoring of any naval unit.

Ditching / taking off of seaplanes is prohibited throughout the year (point 1.5):
- in ports / landings / mooring points / docks and similar structures and within a radius of 200 meters from the mouth of the same;

- in the sea areas permanently used for the berthing of ships;
- in areas expressly reserved for naval transit.

The ordinance continues (Art. 2) in identifying the "sea areas prohibited for bathing":

- in ports;
- within 150 meters of obstructions and / or piers at the entrance to the ports;
- inside the launch / landing corridors;
- within 100 meters of breakwater cliffs under construction or in the course of refurbishment;
- outside ports near sea areas where work is in progress and near wharves or gangways for the berthing of passenger transport units for a radius of 200 meters;
- for a radius of 200 meters from the ships at anchor in the roadstead;
- in the mouths, canals and waterways communicating with the sea;
- near the pipes and ducts for the collection / discharge of sea water, suitably marked with special signs positioned by the owner of the pipes;
- in all other sea areas permanently and temporarily banned by a specific Ordinance of the Municipal Authorities or other competent Authority pursuant to current legislation.

The stop and / or transit of people on breakwater cliffs and / or similar works (such as breakwaters) placed to defend the coast, present both parallel and perpendicular to the line, is permanently forbidden throughout the year. it costs.

The indications of the water limit intended for bathing and consequently forbidden to navigation are also indicated, in front of the areas authorized in concession and the free beaches, must be reported, by the owners of the bathing

facilities and, for the free beaches, by the Municipal Administrations, with special devices.

At the same time, the "Safe water limit warning" is also indicated, also entrusted in this case to the bathing establishments, for the concession areas, while the coastal municipalities, for the free beaches (Art. 11.2), the managers of the bathing establishments are obliged to promptly report to the competent maritime Authority and / or the Police Forces the accidents that occurred on the maritime state property and in the waters, thus highlighting the takeover of important activities also in the realization of the SWAN project

Ordinances of the Port Authority of Gallipoli - Ministry of Infrastructures and Sustainable Mobility n. 79/2022 of 03/06/2022 and n. 92/2022 of 23/06/2022 issued for the construction of hydro-bases in the Municipality of Nardò

On the occasion of the construction of a hydro-surface with attached mini terminal and info point in the locality of Santa Maria al Bagno, a fraction of the Municipality of Nardò, the Ordinances of the Port Authority of Gallipoli n. 79/2022 of 03/06/2022 and n. 92/2022 of 23/06/2022, relating to the interdiction of the stretch of water for the movement and installation of dead bodies, catenaries and piers for hydro-surface, through which, in the stretch of water included in the points having geographical coordinates, therefore interested in the construction of the infrastructure seafaring:

- A) Long. 40° 07' 51.37'' N – Lat. 017° 59' 40.89'' E
- B) Long. 40° 07' 51.39'' N – Lat. 017° 59' 36.37'' E
- C) Long. 40° 07' 44.33'' N – Lat. 017° 59' 29.85'' E

D) Long. 40° 07' 40.11'' N – Lat. 017° 59' 37.27'' E

E) Long. 40° 07' 40.00'' N – Lat. 017° 59' 38.95'' E

or the periods respectively between 6 June and 16 June 2022 from 08:00 to the end of operations, and on 23 and 24 June 2022 from 08:00 to the end of operations, and then subsequently the launching works continued at sea for the temporary stop of dead bodies, catenaries and piers, as well as the recovery with balloons of dead bodies previously sunk

To this end, the stretch of water concerned has been banned and anchoring, bathing, fishing, transit, navigation as well as scuba diving and any other activity related to the public uses of the sea for recreational purposes and professional.

From the prohibition referred to in the previous paragraph, the naval means of the Coast Guard and the Police Forces were excluded, due to their office.

It was also envisaged that the units in navigation in the vicinity of the interdiction area had to proceed paying particular attention, evaluating the adoption of any additional measures suggested by the good seafaring expertise in order to prevent potentially dangerous situations.

In particular, all the units in transit were thus obliged to reduce the speed to a minimum and, also, pay the utmost attention to the signals that could be addressed to them.

The Municipal Administration of Nardò, project partner, has taken steps to prepare all the necessary measures to publicize the progress of the work by posting special signs, vertical signs and any other measure deemed suitable.

All this to highlight once again, and in detail, the need for constant institutional synergy, aimed at overcoming the various and complex stages of construction

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of the hydrobases network useful for the best sustainable connection between Italy and Greece, which is pursued through the program SWAN, funded by our European Union.

11. GREEK LEGISLATION HARMONIZATION

As ANNEX 1 to this legal report, the study of the regulatory framework of the Port Authority of Corfu (Del.5.1.2 - Legal Framework Study - Greece - LB - Port Authority of Corfu) made in the context of mutual collaboration aimed at a better harmonization of the respective laws and locales, inherent to the air-sea transport sector, as indicated in the WP of the SWAN program, with particular reference therefore to the creation of a sustainable transport system, aimed at strengthening maritime transport, maritime transport capacity short-range and cross-border connectivity through the use of seaplanes.

In this regard, he reports the introduction of the recent Greek law including No. 4663/2020, in the Official Gazette, of the Government 30 / A / 12-2-2020, for the purpose of the "Establishment, operation and operation of airports on the water, transport regulations and other provisions ", where in" Part A "governs the establishment and operation of airports on water surfaces, with the express provision of the" Permit to establish watercourses ", the permit issued to 'concerned, in accordance with the provisions of this document, in order to carry out the actions required by law for the construction of all necessary navigation systems.

Other indications were borrowed from the Regulations of the sports of ultralight aircraft (flying machines) N. D2 / 26314/8802 (Civil Aviation Service Command - Government Newspaper of the Hellenic Republic N. 2 F. 1360 - 02709/2010 - 18355) where there is no failed to underline how seaplanes operate to and from waterways, approved or by sea, in areas whose borders are

approved by the Port Authority, with the consent and indications established by the competent Coast Guard.

In any case, the various sections of the Greek elaborate are reported, in particular those relating to regulatory harmonization, which are indicated below.

On the evolution of the Greek legal framework for aquatic airports over the years - Greek legislative framework relating to the functioning of inland waterways.

In Greece, the first pilot program for seaplane operation in the Ionian region started in 2004. Based mainly in Corfu, in the period 2004-2008, the seaplanes flew to the Ionian Islands, Patras, Lake Giannina, Brindisi (Italy), while they were active for a short time in the Aegean region, since they were created "Ways" or "waterways" "(WATERWAY) in Ios, Patmos and Kalymnos, connecting them with Lavrio.

The 1st legislative intervention for waterways took place in 2005 with the approval of the Law (L.3333) for the qualification and operation of waterways.

Pursuant to this Law (Article 10, paragraphs 1 and 3), the Joint Ministerial Decision (K.Y.A 6814/05) was issued which establishes the procedures necessary for the temporary authorization of the Aqueducts. On the basis of this joint ministerial decision 15 waterways in Greece had been authorized to date, but which have become inactive since the seaplanes closed in 2008. In April 2013, the updated law L.4146 / 2013 was passed (Government Gazette AI90) in The Parliament. Law 4146/2013 (Official Gazette A 90), was modified by 4568/18 (Official Gazette 178 A / 18), in turn modified by Law 4663/20).

The new institutional framework (Law 4663/20) now in force provides for:

- Simplification of the licensing process
- Certification of waterfront operational staff
- Exemption from anchoring and timing of JMDs
- Restoration of a favorable environment for public and private investments

On Article 31: Transitional provisions

1. *The holders of waterway operating licenses, which have been issued by the provisions of Law 4146/2013 (A 90), within six (6) months from the entry into force of the same, must possess the requisites referred to in Article 3 for infrastructures and Article 16 for equipment and to submit the necessary modified supporting documents to the Air Transport Division, which issues a specific certification document. Otherwise all flights are suspended.*
2. *The installation of prefabricated huts as infrastructure of waterways is allowed. For their installation, the common procedure of licensing and obtaining approvals is followed.*
3. *For all the waterways for which the application and technical file has been submitted and until the entry into force of the same, no definitive authorizations have been issued, at the request of the public body and with the consent of the private he last submitted an application and a technical file. The establishment license is issued in the name of the public body and the individual approvals are reissued in the name of the public body, while the operating license is issued in the name of the body that submitted the application. In this case, for the issue of the operating license in the name of the subject, a tender procedure must be preceded, according to the award rules of Law 4412/2016 (A 147) or Law*

4413/2016 (A 148) or of such pre-existing provisions in the event that it necessarily includes the operation of a waterway and not only the lease of space.

4. Within fifteen (15) days from the entry into force of this letter, the non-public bodies holding operating licenses issued with the previous provisions and for which a tender procedure is preceded, according to the assignment rules of Law 4412 / 2016 or Law 4413/2016 or these pre-existing provisions, as the case may be, submit to the Ministry of Infrastructure and Transport a declaration of acceptance of the conversion of the license into a founding license in the name of a Public Body, to which they submit a relevant declaration of acceptance and an operating license in their name. In this case, the permit is converted within three (3) months by decision of the Minister of Infrastructure and Transport. Otherwise the license is revoked.

5. By joint resolution of the Ministers of Finance, Environment and Energy and Infrastructure and Transport, for waterways built in lakes, subject to approval of the conditions of environmental impact, the maneuvering and movement areas of the waterway , as well as the locations of the necessary floating and terrestrial structures are determined, following a study presented by the institution requesting the establishment permit.

Legal framework for the operation of waterways and required licenses

The legal regulatory framework is described in detail in Law 4568/18 (Official Gazette 178 A / 18). In particular, the Waterfields are licensed and operate under the following provisions.

Article 2 Scope

The provisions of Part A (Articles 1 - 32) apply to all waterways in which public air transport, general aviation and aviation operations are carried out by the State, by local authorities of first or second degree, by persons legal entities under public or private law, by associations of persons, as well as by natural persons.

The operation of seaports requires adequate infrastructure in port and building structures, including fixed, mobile or mobile prefabricated accommodation, as well as the equipment required in Article 16 (Article 3 Waterway structures).

The construction of new facilities required for seaplane, passenger, freight and mail service must comply with applicable specifications, regulations and applicable legislation.

For the design of the required facilities, the type of watercourse must be taken into consideration, which is determined by the operation and the activities that take place there. For the areas in which the passenger must transit, the waiting areas before the ticket, check-in and baggage check-in, the passport or identity document check-in areas, the passenger security check-in areas must be considered. and baggage, as well as waiting areas, boarding areas and toilets.

The minimum requirements for building structures in order to ensure an adequate level of passenger service are defined as follows:

- a) *Building or other infrastructure to ensure the adequacy of space for the installation and correct functioning of safety devices for the control of passengers and baggage;*
- b) *waiting for passengers, an area of 1.2 square meters. is required. per passenger served;*

c) compulsory existence of toilets for both sexes and people with mobility difficulties according to the number of passengers. If these spaces are not located in the passenger waiting area, they are located next to it.

At the waterways that are entry-exit gates there is a separation of passengers inside and outside the Schengen area, a minimum space for uniformed staff and duty officers.

By joint decision of the Ministers of Infrastructure and Transport and of Maritime and Island Policy, the minimum requirements of paragraph 2 may be changed and problems of infrastructure, buildings and other structures, in addition to the above, for inland waterways may be determined. in a seaside area. By decision of the Minister of Infrastructure and Transport, the minimum requirements referred to in paragraph 2 can be modified and problems with infrastructures, buildings and other structures, in addition to the above, for inland waterways may be determined.

By joint decision of the Ministers of Finance, Infrastructure and Transport and of Maritime and Island Policy, the above minimum requirements may be changed and problems of infrastructure, buildings and other facilities may be determined, in addition to the above, for the foreign waterways (gates) in marine areas. By joint decision of the Ministers of Finance and Infrastructure and Transport, the above minimum requirements may be changed and problems of infrastructure, buildings and other structures may be determined, in addition to the above, for foreign waterways (gates) on a lake.

By joint decision of the ministers of finance, infrastructure and transport, navigation and island policy and citizen protection, the type of each waterway is determined as an internal or external waterway / gateway.

Article 4 General provisions

Authorization for the construction of a waterway is only granted to a public body. By joint decision of the Ministers of Infrastructure and Transport and of Maritime and Island Policy, a permit is granted for the establishment of a seaport. For a waterfront on a lake, the establishment permit is granted exclusively by decision of the Minister of Infrastructure and Transport. For water bodies that have been subjected to the Natura 2000 network, the authorization for settlement is issued by joint decision of the Ministers of Infrastructure and Transport and of the Environment and Energy. In the case of a license being issued to a local government, the decision to grant it is co-signed by the Minister of the Interior.

The operation of a watercourse or the use of a water field in a sea area which:

- a) It was defined by the Port Regulations as mooring for ships. Ship berths may be used in exceptional cases for seaplane service, if no ships are moored on them, subject to authorization from the competent body and with the consent of the local port authority*
- b) it is an exercise camp of the Armed Forces or an area for carrying out military operations and exercises or a dock for filling a gas pipeline or an installation of the Armed Forces in general or an installation that serves defense purposes and national security as referred to in Article 17 of Law A 285) or has been designated as a defensive area or naval fort under Law 376/1936 (A 546)*
- c) is located near bathing establishments, as defined in par. 1 of article 1 of Presidential Decree 31/2018 (A 61), taking into account the limitations on the*

circulation of motor boats, due to the replacement of the p.d. 23/2000 (A 18), with the DPR 31/2018 (A 61)

d) according to the statistics of the National Meteorological Service, it is an area where the prevailing weather conditions are generally unfavorable and create a significant wave height, greater than two (2) meters in the mooring area.

By joint decision of the ministers for civil protection, finance, infrastructure and transport and maritime and island policy, a waterway can be designated as an entry-exit point, at the request of the waterway operator. If the basin manager is not also the holder of the waterfront establishment permit, the application must be submitted by the holder of the waterfront establishment permit.

The operation of seaports and the use of waterways is allowed only during the flight day.

The provisions of the National Civil Aviation Security Program apply to waterways and waterways of the affected areas. The execution of public transport by air carriers requires the approval of the air carrier security program required by the national civil aviation security regulation. For watercourses where the control is carried out by the Coast Guard - Hellenic Coast Guard, where the National Civil Aviation Safety Regulations refer to the Greek Police, we mean the Coast Guard - Hellenic Coast Guard. Approval of the waterway safety program requires the consent of the Coast Guard - Hellenic Coast Guard or the Greek Police, depending on the operation of the waterway in a sea area or a lake respectively.

Although not specifically regulated, the provisions of current legislation apply, such as the Aviation Code (Law 1815/1988, A 250) and Chapter A of Law 4014/2011 (A 209).

The waterfront operator is responsible for the administration, management and operation of the waterfront infrastructure and services. In addition, the waterfront operator is responsible for coordinating and controlling the activities that operate within the basin.

For international seaports, domestic flights and direct flights to and from countries that have ratified and implemented the Schengen Agreement are permitted, as long as the possibility of carrying out the required checks is ensured. Flights to and from countries that have not ratified the Schengen Agreement are operated through an international airport or an airport or port or seaport designated as a regulated entry point for the country.

The concession contract details the responsibilities and obligations of both parties to comply with the conditions set out in this law.

If a watershed maneuvering area includes a port area, the use of the maneuvering area is permitted with the approval of the competent Port Authority and under the responsibility of the seaplane operator.

The authorization to operate the inland waterway does not allow the operation of the inland waterway without the issue of an operating authorization.

By joint decision of the Ministers of Infrastructure and Transport and of Maritime and Island Policy, a permit is granted for the operation of inland waterways. For a waterfront on a lake, the operating license is granted exclusively by decision of the Minister of Infrastructure and Transport. For water surfaces that have been subjected to the Natura 2000 network, the

operating license is granted by joint decision of the Ministers of Infrastructure and Transport and of the Environment and Energy.

A waterway license is only granted to entities established in Greece or the EU or to natural persons residing in Greece or the EU. In this case, par. 2 of article 18 of law 1815/1988 (A 250) applies accordingly. In the case of an application for an operating license by a person domiciled or registered office in a country of the European Union, the application designates a representative and his alternate, resident or domiciled in the country, and indicates the following details: name, surname, tax code, tax code, Revenue Agency, address and telephone numbers. In the event of death of the summons, it is replaced within two (2) months.

The license to operate the waterways is granted to a public or private body. In the event of an operating license being granted to an S.A., LLC, General Partnership, Limited Partnership or a Private Capital Company (PC), the Chief Executive Officer and each member of the Board of Directors of the Joint Stock Company and each partner and manager in the others must:

- a) Be at least 18 years of age;*
- b) has not been irrevocably sentenced to any crime for crimes of disobedience, statelessness, insult to the state, treason, insult to the free exercise of civil rights, state power, sexual freedom and sexual exploitation of sexual life, organization criminal, terrorist acts, counterfeiting, counterfeiting, counterfeiting, service infidelity, violation of the confidentiality of telephone and oral communications, theft, embezzlement, extortion fraud, infidelity, extortion or extortion, oppression, drugs, animal theft, smuggling and crime*

weapons and explosives, whether or not the conviction is registered in the applicant's criminal record;

c) has not served a prison sentence exceeding six (6) months for a crime committed intentionally;

d) not to be temporarily detained or irrevocably sent for trial for a crime or offense of cause bd or of not having been convicted even with a final decision for a crime or offense of cause bd. This impediment is valid until irrevocable absolution, e) has not been deprived of his civil rights, even if the term set for their deprivation has expired, f) has not been under judicial protection,

g) was not dismissed by the public administration for a disciplinary offense connected with the offenses referred to in case bd;

(h) not be a manufacturer or dealer of weapons, ammunition or explosives.

If the operating license is requested by Srl or PC, in the relative contract stipulated between the owner of the plant license and the aforementioned companies, the condition is mandatory that the natural persons who jointly hold the obligations of these companies, deriving from the license their shares or stakes.

Waterway Authorization Service (Article 7)

The office responsible for the receipt of the application, the promotion of the procedure and the proposal for the issue of the license for the opening of a waterway or the license for the management of a waterway is the Air Transport Division of the General Secretariat of Transport. .

Inland waterway technical file (Article 8)

The technical file, depending on the authorization for navigation (establishment or operation) requested by the interested party, must contain, respectively, the supporting documents referred to in articles 9 and 11.

The following articles and other specific provisions follow:

Article 9 Application for authorization for inland waterways

Article 10 Tariff

Article 11 Application for authorization to operate inland waterways

Article 12 Procedure for examining applications - granting of authorizations

Article 13 Duration of the license - modification of the details of the license

Article 15 Transfer of the license - concession of operation

Article 17 Flight conditions

Article 18 Water circulation and communications

Article 19 Prohibitions - Restrictions

Article 20 Insurance

Article 21 Tariffs for navigation services

Article 22 Operating taxes for inland waterways

Article 23 Training of waterfront personnel

Article 24 Refueling of aircraft

Article 27 Water bodies

Article 28 Temporary prohibition of waterways or water fields

Article 29 Establishment and management of a waterway by public bodies

Art. 30 Electronic monitoring system of Waterfront permits

Waterdrome terminal control procedures

Licenses and pending licenses obtained for the Greek Swan nautical airfields -

Compulsory procedures - Licenses obtained - Corfu hydrodrome

Corfu Waterdrome covers all requirements in facilities and infrastructure in accordance with the provisions of law 4568/18 and is ready for use as it has an operating license in effect since December 2014 (Government Gazette 3684BD - No. 75957/5727).

Furthermore, in order to improve the services provided to the passenger public but also to improve the functioning of the waterway, as part of the Swan project, a new floating platform will be contracted and installed, which will have the following technical characteristics:

Corfu Floating Pier:

- Length: 48.00 m
- Width: 3 m
- Free height from the average sea level: + 0.50 m
- No. of 12m units: 4

Access bridge to the Corfu waterway (ramp):

- Length: 6.00 m
- Width: 1.50 m
- Clear height above mean sea level: -
- No. of 12m units: 2

On the procedures necessary to obtain a license - Waterways in the Diapontia Islands

For the three water courses of the Diapontia Islands, the qualification process must be carried out from the beginning in accordance with the provisions of Law 4568/18. Specifically, the preparation and preparation of the Technical Data Sheets of the Water Courses is required, as well as the construction and

equipment of the three Water Courses. The above are prerequisites for the issue of Water Establishment Permits.

In particular, as regards the equipment of the three watercourses that will be built in the Diapontia Islands, the appropriate systems will be built, according to the provisions of the reference legislation, as mentioned above, for the approach of seaplanes and for the service on the ground of the passenger public. These will consist of a floating approach platform for a seaplane and a prefabricated cabin for passenger service. Access to watercourse facilities will be via the existing road network of each island.

As for the huts, these will have an area of 64.08 m² with their floor plan modeled according to the needs and location of the respective watercourse, while they will include all the spaces necessary to meet the needs of the watercourses (passenger waiting area, passenger and baggage control area, toilets, office, etc.)

The aforementioned area is broken down as follows:

Length (L) = 8.90 m.

Width (B) = 7.20 m.

External height (H) = 3.20 m.

Total area = 64.08 sq m

Therefore exposed in the legal study, the "Legal Frame" analysis is reviewed as entrusted by the Municipality of Gallipoli to the professional writer, together with ANNEX 1 (Del.5.1.2 - Legal Framework Study - Greece - LB - Port

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Authority of Corfu) favored in a reciprocity regime by the Port Authority of Corfu.

Caiazzo – Caserta, 20 September 2022

Avv. Giovanni Mastroianni



REGULATORY AND JURISPRUDENTIAL SOURCES

Trattato CEE, Roma 25/03/1957

Convenzione di Londra del 20 ottobre 1972 per la prevenzione degli abbordi in mare

Regolamenti CEE afferenti il trasporto marittimo: - N. 4055/1986; - N. 4056/1986 (modificato dal regolamento (CE) n. 1/2003 del Consiglio); - N. 1419/2006 del Consiglio del 25-9-2006 che ha abrogato il regolamento del Trattato ai trasporti marittimi; - N. 1419 che ha modificato il regolamento (CE) n. 1/2003 - N. 4057/1986, - N. 4058/1986; **Regolamenti UE afferenti il trasporto aereo:** - N. 712/2019 concorrenza nel settore del trasporto aereo; - N. 2017/386 sorveglianza del cielo unico europeo; - N. 2017/373 fornitura dei servizi di gestione del traffico aereo e di navigazione aerea; - N. 2015/1998 della Commissione, in materia di sicurezza aerea; - N. 1318/2014 vettori aerei soggetti a un divieto operativo all'interno della Comunità; -N. 376/2014 del Parlamento europeo e del Consiglio, concernente la segnalazione, l'analisi e il monitoraggio di eventi nel settore dell'aviazione civile; - N. 1079/2012 spaziatura dei canali di comunicazione vocale nel cielo unico europeo; -N. 1361/2008, che modifica il regolamento (CE) n. 219/2007 relativo al sistema SESAR; - N. 1008 del 24 settembre 2008, del Parlamento europeo e del Consiglio, recante norme comuni per la prestazione di servizi aerei nella Comunità; -N. 1107/2006, diritti delle persone con disabilità e delle persone a mobilità ridotta nel trasporto aereo; -N. 411/2004; - N. 95/1993

Regolamento (CE) n. 1592/2002 e la direttiva 2004/36/CE

Regolamento (CE) n. 216/2008 e che abroga la direttiva 91/670/CEE del Consiglio, il Regolamento (UE) n. 965/2012

Regolamento (UE) n. 923/2012 SERA del 26/9/2012 che stabilisce regole dell'aria comuni e disposizioni operative concernenti servizi e procedure della navigazione aerea

Regolamento di esecuzione (UE) 2015/2447

Regolamento di Esecuzione UE 2021/255 della Commissione del 18 febbraio 2021 recante modifica del regolamento di esecuzione (UE) 2015/1998

Direttiva EU 123/2016; pronuncia Giudice Comunitario 2016, comportante la disapplicazione dell'art. 1, comma 18, d.l. n. 194/2009 e dell'art. 34-duodecies, d.l. 179/2012

**Art. unico comma 683, L 145/2018 analizzato dopo l'intervento della Corte di giustizia
nel caso “Visser” sentenza 30/01/2018, causa C-360/15**

**Legge Comunitaria n. 25/1999 (legge comunitaria per il 1998), attraverso le modifiche
apportate agli artt. 800 e 805 Cod. Nav.**

Sentenza Corte di Giustizia 23-10-2007 causa C-440/05

Sentenza Corte di Giustizia Europea del 14/07/2016

Legge Greca N. 4663/2020, in G.U.G. 30 / A / 12-2-2020

**Regolamento Ellenico degli mezzi e velivoli ultraleggeri N. D2 / 26314/8802 (Comando
Servizio Aviazione Civile – Giornale Governo della Repubblica ellenica N. 2 F. 1360 –
02709/2010 – 18355)**

Legge Costituzionale 3/2001

Codice Navigazione RD 327/1942 - D. Lgs. N. 37/2020

Codice penale - R.D. 1398/1930

Legge n. 340/1954

Legge n. 518/1968

DPR n. 484/1981

DPR n. 404/1988

L. n. 106/1985

L. 241/1990

L. n. 127/1997

D Lgs. n. 250/1997

Legge n. 172 /2003

L. n. 229/2003

L. 308/2004

L. 15/2005

D. Lgs. n. 96/2005

DM Ministero Infrastrutture e Trasporti 01/02/2006

D. Lgs n. 1392006

D. Lgs. 152/2006

L. 69/2009

DL 78/2010

DPR n. 133/2010

DL 70/2011

Circolari ENAC “Disciplina generale della protezione antincendio per gli Aeroporti di aviazione generale e le Aviosuperfici” (Edizione n° 1 approvata con disposizione d’urgenza del Direttore Generale n. 9/DG del 2 febbraio 2011

D.L. n. 179/2012

D.L. n. 133/2014

L. 124/2015 in attuazione della delega, il D.Lgs. 30 giugno 2016, n. 127

Regolamento ENAC I Ed. 2016

D.L. n. 24/2022

Sentenza Cons. di Stato n. 7874/2019

Sentenza Cons. Stato n. 1342/2018

Sentenza Cons. Stato n. 394/2017

Sentenza Cons. Stato n. 168/2008

Ordinanza Balenare Regione Puglia 26/04/2022

Ordinanza n. 36 in data 26 aprile 2018 del Capo del Compartimento marittimo di Gallipoli “Disciplina della navigazione in prossimità della costa – Zone di mare interdette alla navigazione

Ordinanza n. 79/2022 per idrosuperficie Nardo

Capitaneria di Porto Gallipoli Ordinanza N. 61/2022 del 15/05/2022 che abroga e sostituisce l’Ordinanza n. 28/2021 datata 11 maggio 2021

Dispaccio n.02.01/13413 in data 08.02.2007 del Comando Generale del Corpo delle Capitanerie di Porto avente per argomento “compatibilità tra attività nautiche: disciplina”

Ordinanza n. 42 in data 18.05.2017 con la quale viene approvato il “Regolamento sulla Disciplina del Diporto Nautico nell’ambito del Circondario Marittimo di Gallipoli”.

Legge Regionale Puglia N. 17/2006 Legge Regionale Puglia N. 17/2015

Sentenza Cons. Stato , n. 394/2017

Ordinanza n° 26/2006 Capitaneria di Porto di Gallipoli

Ordinanza n. 48/2016 Capitaneria di Porto di Gallipoli

Ordinanza n. 61/2022 Capitaneria Porto di Gallipoli

Ordinanza n. 36/2018 Capitaneria Porto di Gallipoli

Nota del Settore Demanio e Patrimonio della Regione Puglia n° 20/14879/1 del 12.12.2006

Ministero Infrastrutture Trasporti – Capitaneria di Porto Gallipoli Ordinanza N. 61/2022 del 15/05/2022 che abroga e sostituisce l'Ordinanza n. 28/2021 datata 11 maggio 2021

Circolare n. 120 Serie I Titolo Demanio Marittimo prot. n. DEM2A - 1268 in data 24.05.2001

Circolare n. 82/022468/I in data 03.04.2002 a firma congiunta del Ministero delle Infrastrutture e dei Trasporti - Direzione Generale per le Infrastrutture della Navigazione Marittima ed Interna e del Comando Generale del Corpo delle Capitanerie di Porto

Nota n. 34660 in data 07.04.2006 del Comando Generale del Corpo delle Capitanerie di Porto “Ordinanza Balneare – Riparto delle competenze tra le Autorità marittime e gli Enti territoriali locali in materia di disciplina delle attività balneari - Prescrizioni concernenti la regolamentazione degli aspetti di sicurezza e del servizio di salvamento”

Avv. Giovanni Mastroianni
PATROCINANTE IN CASSAZIONE E MAGISTRATURE SUPERIORI
SPECIALIZZATO IN SPACE ECONOMY E DIRITTO AEROSPAZIALE

***SWAN Enhancing regional transportation
through Sustainable Water Aerodrome Network***

LEGAL FRAME ANALYSIS

avv. Giovanni Mastroianni

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- VERSIONE ITALIANA-

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1. DEFINIZIONE DELL'AFFIDAMENTO DEL SERVIZIO DI LEGAL FRAME NELL'AMBITO DEL PROGETTO COMUNITARIO “SWAN”

Il Comune di Gallipoli (partner PB4) partecipa con l'Autorità portuale di Corfù (Capolifila - Lead Partner LB), il Comune Corfù (Partner PB2), l'Autorità di Sistema Portuale del Mar Ionio (Partner PB3) ed il Comune di Nardò (Partner PB5), ad un programma interregionale, finanziato dalla Comunità Europea e finalizzata *allo sviluppo dell'offerta turistica del territorio*. All'Ente comunale è stato assegnato specifico budget per la realizzazione di una infrastruttura marittima capace di poter ospitare traffico aviомarittimo con idrovolanti, quindi una base acquatica con relativo terminal ed annessi, destinato all'offerta di servizi ai passeggeri.

Il programma di Cooperazione Transfrontaliera GRECIA – ITALIA è co-finanziato all’85% dal Fondo europeo di sviluppo regionale (FESR) nel quadro dell’omonimo Obiettivo Cooperazione Territoriale Europea – CTE, di cui al Regolamento (EU) n.1299/2013 del 17/12/2013, e prevede una quota di co-finanziamento nazionale pari al 15%, ed ha come obiettivo quello di *sostenere a livello strategico la cooperazione transfrontaliera fra la Grecia e l'Italia per una regione più prospera e sostenibile lungo il confine marittimo*.

La strategia di attuazione del Programma *punta a migliorare la coesione economica, sociale e territoriale dell'area e - allo stesso tempo – contribuisce al raggiungimento degli obiettivi della strategia Europa 2020 e della strategia UE macro-regionale Adriatico Ionica (EUSAIR)*. Il focus del Programma consiste *nello scambio di conoscenze, esperienze e buone pratiche, nella progettazione e nell'implementazione di azioni pilota necessarie per lo sviluppo*

di politiche di crescita sostenibile, nello sviluppo di prodotti e servizi innovativi e nel supporto agli investimenti nell'area di cooperazione.

Per la buona riuscita del progetto il Comune di Gallipoli ha proceduto all'affidamento dei vari servizi di consulenza tecnica, giuridica, eccetera. A tal riguardo L'Ente comunale ha avviato procedura pubblica di affidamento in appalto, ai sensi e per gli effetti dell'art. 36, comma 2, lett. a), del D. Lgs. n. 50/2016, del servizio di “*Legal Framework Analysis*”, di cui al WP 5 *deliverable* 5.4.2, nell'ambito del Progetto “SWAN - ENHANCING REGIONAL TRANSPORTATION THROUGH SUSTAINABLE WATER AERODROME NETWORK” - Programma di cooperazione Interreg V/A Grecia-Italia (EL-IT) 2014-2020.

All'esito della procedura pubblica, il servizio di “*Legal Framework Analysis*” è stato affidato allo scrivente avv. Giovanni Mastroianni, C.F. MSTGNN77B23G596J, avvocato abilitato all'esercizio presso le Magistrature Superiori, specializzato in Diritto Aerospaziale e Space Economy.

Nell'assolvimento del suo incarico il professionista ha elaborato la seguente analisi giuridica, provvedendo ad elaborare la normativa internazionale, comunitaria, nazionale, regionale e locale, utile ai fini della realizzazione di una idrosuperficie, così come definita nella procedura di affidamento del servizio legale, quindi già dall'*Avviso esplorativo per manifestazione di interesse*, dove in particolare è stato indicato: “... - il Progetto mira complessivamente ad un miglioramento dell'attuale sistema di trasporto con idrovolanti e ad un maggiore impiego degli stessi. Gli idrovolanti possono essere definiti come velivoli ad ala fissa in grado di decollare e atterrare su acqua, che operano, dunque, in due diversi settori, aria e acqua. Ne discende una particolare

complessità del quadro giuridico connesso, con conseguente difficoltà nell'individuazione dell'iter per il conseguimento degli atti di assenso di competenza dei diversi Enti/Amministrazioni/Uffici cui sono ascritte competenze in materia, tra cui autorità dell'aviazione, marittime, di polizia e di amministrazione locale; - il Progetto mira, pertanto, al rafforzamento della capacità istituzionale e dell'efficienza delle pubbliche amministrazioni in merito alla realizzazione e gestione di idrosuperfici, e vanta, tra gli obiettivi, anche l'armonizzazione delle norme e dei regolamenti che coinvolgono sia la normativa marittima che quella dell'aviazione. L'attività richiesta presuppone conoscenze inerenti sia al Diritto della Navigazione che alla sua applicazione al trasporto aereo idrovolante, nonché una spiccata capacità di interlocuzione con i diversi Enti coinvolti nei vari settori. L'obiettivo dell'attività richiesta, i cui esiti verranno rappresentati alle Autorità competenti nell'ambito del Progetto, è dimostrare come sia possibile armonizzare le regole vigenti al fine di facilitare il trasporto con idrovolanti. L'incarico che verrà affidato ha ad oggetto le seguenti attività: a. l'analisi e ricognizione del quadro giuridico vigente inerente al microcosmo "idrovolanti", con ciò intendendosi tutta la normativa, sia marittima che aerea, relativa alla realizzazione e gestione di un'idrosuperficie, nonché quella relativa al trasporto con idrovolanti. L'attività dovrà riguardare sia i profili giuridici che quelli più strettamente operativi; b. l'analisi e ricognizione degli atti di assenso che è necessario conseguire ai fini della realizzazione e gestione di idrosuperfici ed ai fini del trasporto con idrovolanti, con elaborazione di uno schema procedimentale adottabile al fine di rendere più agevole l'iter; c. l'analisi e ricognizione della normativa vigente in tema di security, con riferimento a quanto indicato ai punti precedenti; d.

l'analisi e ricognizione della evoluzione giurisprudenziale con riferimento ai profili indicati ai punti precedenti, con approfondimento della problematiche maggiormente sottoposte al vaglio dei Tribunali; e. sulla scorta dei risultati dell'analisi di cui ai punti precedenti, l'attività di elaborazione di un set armonizzato di norme che possa disciplinare compiutamente ed agevolmente la materia degli idrovolanti; f. l'attività di armonizzazione del quadro normativo vigente in Italia con quello vigente in Grecia, con riferimento alla realizzazione e gestione di idrosuperfici nonché al trasporto con idrovolanti, nei porti di competenza e/o individuati nel Progetto, attraverso il coordinamento della propria analisi con quella di competenza del Lead Beneficiary (Port Authority of Corfu)".

Per maggiore completezza si è altresì proceduto alla indicazione del complesso normativo relativo anche alla realizzazione di un idroscalo, nonché indicate le prescrizioni e procedure afferenti il settore marittimo e ed aeronautico in quanto applicabile, tanto ciò anche per le perseguite finalità di armonizzazione generale del presente studio con quello degli altri partner di progetto, sia nazionali che Greci.

Nell'assolvimento dell'incarico conferito, il professionista procede dunque all'analisi giuridica richiesta, nei modi e termini che seguono.

2. DEFINIZIONI

Idrovolante: aeroplano -barca volante su galleggianti (anfibio o non anfibio) o un idrovolante – barca volante (solo acqua o anfibio)

Aeromobile complesso: velivolo con una massa massima certificata al decollo superiore a 5700 Kg, oppure certificato per una configurazione massima di posti passeggeri superiore a 19, oppure certificato per operare con un equipaggio minimo di due piloti, oppure dotato di uno o più motori a turbogetto o più di un motore a turboelica, in conformità a quanto stabilito dall'art. 3 del Regolamento (UE) n. 216/2008

Aeroporto: area delimitata, su terra o acqua (comprendente gli edifici, le installazioni, gli impianti), o su una struttura fissa, offshore fissa o galleggiante, destinata, in tutto o in parte, all'arrivo, alla partenza ed al movimento di superficie di aeromobili

Aerodromo: un'area definita su terra o acqua (inclusi eventuali edifici, installazioni e attrezzature) destinata ad essere utilizzata in tutto o in parte per l'arrivo, la partenza e il movimento di aeromobili

Aerodromo acquatico: un'area definita, principalmente sull'acqua, destinata ad essere utilizzata in tutto o in parte per l'arrivo, la partenza e il movimento di idrovolanti e qualsiasi edificio e attrezzatura a terra o in acqua

Vie o corsi d'acqua: fiume, canale o altro corpo idrico che funge da percorso o mezzo di viaggio o trasporto

Aviosuperficie: area idonea alla partenza e all'approdo di aeromobili, che non appartenga al demanio aeronautico

Idrosuperficie: aviosuperficie destinata all'uso esclusivo di idrovolanti o elicotteri muniti di galleggianti

Idroscalo Marino: aeroporto con area di operazioni posta sul mare, dove possono operare idrovolanti complessi in operazioni di traffico commerciale.

Area di movimentazione a terra: area sulla terra, presente in alcuni idroscali marini, ove si effettua l'imbarco e sbarco dei passeggeri

Piattaforma fissa: piattaforma che si estende dalla riva, sull'acqua e sostenuta da pilastri per mantenerla in posizione, destinata ad allinearsi accanto agli idrovolanti ai fini dell'imbarco e dello sbarco dei passeggeri, del carico e scarico delle merci, o del rifornimento o parcheggio degli idrovolanti

Piattaforma galleggiante: piattaforma posta in mare aperto autorizzata ai fini dell'imbarco e sbarco di passeggeri, carico e scarico merci con idrovolante

Area delle operazioni: zona di ormeggio (o l'area di movimentazione a terra), il raccordo di manovra, e l'area di corsa, come successivamente definite. Sull'area delle operazioni coesistono le operazioni degli aeromobili ed il traffico marittimo

Zona di Ormeggio: parte di un idroscalo marino adibita all'ormeggio degli idrovolanti ed alle operazioni di imbarco e sbarco dei passeggeri

Raccordo di Manovra: parte di un idroscalo marino adibita al movimento degli idrovolanti, che collega la zona di ormeggio (o dall'area di movimentazione a terra) all'area di corsa

Operatore di aeroporto acquatico: qualsiasi organizzazione/o persona responsabile di un aeroporto acquatico, inclusi dipendenti, agenti o altri rappresentanti autorizzati

Corrente d'acqua: è la portata dell'acqua

Pista d'acqua (canale): un'area rettangolare definita su un aeroporto acquatico, destinata all'atterraggio e al decollo di idrovolanti lungo la sua lunghezza

Mare aperto: area acquatica dell'Idroscalo Marino posta al di fuori di porti o canali

Area di Corsa: area di un idroscalo marino posta sul mare, predisposta per il decollo e l'ammaraggio degli idrovolanti. L'area di corsa può assumere qualunque forma geometrica, secondo le necessità del caso

VDS: Volo Diporto Sportivo

AG: Aviazione Generale

ULM: Velivolo Ultraleggero a Motore

ARP: acronimo utilizzato per indicare l' "aerodrome reference point"

MTOM: indica la massa massima al decollo dell'idrovolante

VFR: acronimo utilizzato per indicare le regole del volo a vista

VMC: acronimo utilizzato per indicare le condizioni meteorologiche di volo a vista

IMC: acronimo utilizzato per indicare le condizioni meteorologiche di volo strumentale

ATS: "servizi di traffico aereo", i vari servizi di informazione di volo, i servizi di allarme, i servizi consultivi sul traffico aereo, ed i servizi di controllo del traffico aereo (compresi i servizi di controllo di area, di avvicinamento e di aeroporto). Gli *Air Traffic Services* o ATS, sono servizi erogati al traffico aereo da un fornitore di servizi di navigazione aerea o **ANSP** (Air Navigation Service Provider) per la sicurezza e la regolarità del traffico aereo

ANSP (Air Navigation Service Provider) per la sicurezza e la regolarità del traffico aereo

CTR: «zona di controllo», ovvero uno spazio aereo controllato che si estende verso l'alto a partire dalla superficie terrestre ad un limite superiore specificato

ATZ: zona di traffico di aeroporto, quale uno spazio aereo di dimensioni definite, istituito intorno ad un aeroporto, per la protezione del traffico aereo d'aeroporto

AIP: “Pubblicazione di Informazioni Aeronautiche”, edita da o con l'autorità di uno Stato, contenente informazioni aeronautiche di carattere durevole, essenziali per la navigazione aerea

ENAC: Ente Nazionale Aviazione Civile

ENAV: Ente Nazionale Assistenza al Volo

ACL: Aero Club D'Italia

ANSV: Agenzia Nazionale Sicurezza Volo

ICAO: Organizzazione Internazionale dell'Aviazione Civile

MIT: Ministero Infrastrutture e delle Mobilità Sostenibili

MISE: Ministero Sviluppo Economico

MiBACT: Ministero per i Beni e le Attività Culturali e del Turismo

GU: Gazzetta Ufficiale

L : Legge

Reg: Regolamento

DLGS: Decreto Legislativo

DL: Decreto Legge

DPR: Decreto Presidente Repubblica

DM: Decreto Ministeriale

LR: Legge Regionale

Cod. Nav.: Codice della Navigazione

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PATROCINANTE IN CASSAZIONE E MAGISTRATURE SUPERIORI
SPECIALIZZATO IN SPACE ECONOMY E DIRITTO AEROSPAZIALE

Art: Articolo

Artt: Artcoli

WP: Programma Lavoro (Work Programme)

Città di Gallipoli - Cod. Amm. c_d883 - Prot. n. 0058116 del 20/09/2022 13:25 - ARRIVO

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3. CENNI PRELIMINARI SULLA NATURA ED ATTIVITA' DELL'IDROVOLANTE

L'idrovolante viene definito anche a livello internazionale, già nella prima visione dell'ICAO, come un aeroplano o barca volante su galleggianti, quindi sia anfibio che non anfibio, oppure come un idrovolante – barca volante, solo acquatico o solo anfibio.

La peculiarità dell'idrovolante risiede dunque nella sua doppia anima che lo porta ad essere considerato, a seconda delle fasi di impiego, come un aeromobile quando decolla oppure è destinato ad ammarare su specchi d'acqua, e come natante dalla fase di ammaraggio al decollo, con la conseguenza che salvo le particolari e specifiche disposizioni, lo stesso sarà soggetto rispettivamente alle norme di navigazione aerea e di navigazione marittima.

La particolare e variegata natura tecnica di questo straordinario mezzo di trasporto, assume particolare rilievo anche in merito gli approdi, che possono essere sia terrestri quando si impiega un idrovolante anfibio, e così capace di atterrare su aeroporti, aviosuperfici, campi di volo eccetera, sia acquatici, nel caso in cui l'idrovolante sia destinato ad ammarare e flottare su specchi d'acqua.

Anche la relativa legislazione segue questa complessità tipologica e, pertanto, sia l'utilizzo dell'idrovolante che delle infrastrutture capaci di accogliere tale complesso, ma parimenti versatile mezzo di trasporto e collegamento, sono disciplinate sia da norme specifiche, sia da norme mutuate dal settore aeronautico o marittimo.

4. NORME DI CARATTERE GENERALE

Codice della Navigazione Marittima ed Aerea

Merita di essere innanzitutto menzionato il “Codice della Navigazione Marittima ed Aerea”, che recepisce tutte le convenzioni internazionali nonché la normativa Comunitaria di settore, già R.D. 30 marzo 1942, n. 327 come successivamente modificato ed integrato anche dal D. Lgs. n. 61 (in G.U. 06/06/2018, n.129) e rappresenta la principale fonte regolamentare del Diritto della Navigazione italiano, inteso e definito come l’insieme delle norme regolanti la materia della navigazione sia marittima (anche “interna”, cioè quella esercitata su fiumi, canali e laghi) sia aerea.

In merito all’attuazione del progetto SWAN, si rappresenta che tale Codice rappresenta anche lo strumento di riferimento per la regolamentazione generale, nel nostro Paese, non solo della disciplina della navigazione intesa in senso materiale e dinamico, ma disciplina anche fondamentali aspetti come l’organizzazione, gestione e lavoro dell’apparato amministrativo ed organizzativo, nonché la protezione, gestione ed uso dei beni demaniali, salvo quanto previsto da specifiche norme e regolamenti.

Fonti del diritto della navigazione

Tra le fonti del Diritto della Navigazione va pure inclusa la normativa prodotta dall’Unione Europea, istituita con il Trattato di Roma del 25 marzo 1957, reso esecutivo in Italia con la legge 14 ottobre 1957, n. 1203, modificato ed integrato con l’Atto unico europeo del 17 febbraio 1986, con il Trattato di Maastricht (firmato il 7 febbraio 1992 ed entrato in vigore, successivamente alla ratifica degli Stati membri, il 1° novembre 1993), con il trattato di Amsterdam del 2

ottobre 1997 (ratificato con legge 16 giugno 1998, n. 209, ed entrato in vigore il 1° maggio 1999), con il Trattato di Nizza del 26 febbraio 2001 (ratificato con legge 11 maggio 2002, n. 102) e, infine, con il Trattato di Lisbona.

In base all'art. 80 del Trattato di Roma, le disposizioni del titolo V del Trattato medesimo, relativo alla politica comune dei trasporti, trovano integrale applicazione alla navigazione interna svolgentesi negli Stati membri, mentre, ai sensi dell'art. 80, n. 2, il Consiglio dell'Unione ha la facoltà di decidere se, in quale misura e con quale procedura possano essere prese opportune disposizioni per la navigazione marittima (Corte di giustizia- Grande sezione- sentenza 23-10-2007 – causa C-440/05).

La Corte europea di giustizia ha comunque affermato, in proposito, che l'art. 80 sottrae il settore dei trasporti marittimi ed aerei alle disposizioni specifiche del titolo V, ma non ai principi generali del Trattato. Gli Stati membri, pertanto, sono tenuti ad osservare anche nel settore dei trasporti marittimi ed aerei le norme relative alla libera circolazione dei lavoratori e quelle poste a tutela della concorrenza.

Il problema dei rapporti intercorrenti tra norme comunitarie direttamente applicabili nell'ordinamento interno (ad esempio, i regolamenti) e diritto nazionale è stato risolto dalla Corte Costituzionale la quale, adeguandosi alle posizioni della Corte di Giustizia, ha riconosciuto la prevalenza delle suddette norme su quelle interne, collocandole nella gerarchia delle fonti in posizione di subordinazione alla sola Costituzione e di sovraordinazione alla legge ordinaria.

I trasporti marittimi in ambito Comunitario

La regolamentazione dei trasporti marittimi nella UE, pur se assoggettati ai principi generali del Trattato, hanno trovato principale disciplina in quattro Regolamenti CEE del 22 dicembre 1986, entrati in vigore il 1° luglio 1987, in parte modificati ed integrati.

Trattasi dei Regolamenti:

- N. 4055/1986, riguardante l'applicazione del principio della libera prestazione dei servizi, fissato dagli artt. 49 e 51 del Trattato di Roma, ai trasporti marittimi tra Stati membri e tra Stati membri e Paesi terzi.

Tale regolamento si pone la finalità di eliminare: le restrizioni commerciali imposte agli utenti da misure nazionali unilaterali, adottate dagli Stati membri a tutela delle rispettive economie interne a fronte di azioni lesive della concorrenza poste in essere da Paesi terzi; le restrizioni, derivanti da clausole di ripartizione dei carichi, contenute in accordi bilaterali stipulati fra Stati membri e Paesi terzi;

- N. 4056/1986 (modificato dal regolamento (CE) n. 1/2003 del Consiglio).

Il regolamento n. 1419/2006 del Consiglio del 25-9-2006 ha abrogato il regolamento del Trattato ai trasporti marittimi; lo stesso Regolamento n. 1419 ha modificato il regolamento (CE) n. 1/2003 estendendone il campo di applicazione al cabotaggio ed ai servizi internazionali di trasporto con navi da carico non regolari (materia di concorrenza);

- N. 4057/1986, riguardante le pratiche tariffarie sleali nei trasporti marittimi internazionali di linea, poste in essere da compagnie di navigazione di Paesi terzi, le quali diano luogo a gravi perturbazioni nella struttura del traffico su una determina rotta comunitaria e che danneggino o rischino di danneggiare

gravemente gli armatori comunitari, operanti su tale rotta, e gli interessi comunitari.

A fronte di pratiche tariffarie sleali l'Unione può imporre dazi compensativi agli armatori stranieri interessati.

Tali dazi sono finalizzati a risarcire il danno economico subito per effetto delle pratiche tariffarie sleali ed hanno altresì la funzione mediata di proteggere l'industria armatoriale comunitaria della concorrenza estera, qualora questa non si attenga al principio di una leale competizione su base commerciale;

- N. 4058/1986, riguardante la disciplina di un'azione coordinata da parte dei Paesi dell'Unione Europea per la salvaguardia del libero accesso ai trasporti nei traffici transoceanici.

Tale azione coordinata può essere promossa nelle ipotesi in cui gli interessi commerciali degli Stati membri subiscano pregiudizi per effetto di riserve di carico in favore di società di navigazione di Paesi terzi, ovvero di accordi bilaterali per la ripartizione dei carichi intercorrenti fra Paesi comunitari e Paesi terzi. L'azione medesima, in ipotesi siffatte, può consistere sia in rimostranze diplomatiche da parte dell'Unione, sia nell'adozione di contromisure amministrative quali il contingentamento delle merci, l'imposizione di oneri finanziari, ecc.

Come sarà di seguito specificato, altri Regolamenti attualizzeranno tale perseguite finalità alle nuove esigenze Comunitarie ed internazionali.

I trasporti aerei in ambito Comunitario

Nel settore dei trasporti aerei i servizi sono stati progressivamente liberalizzati nell'ambito dell'Unione Europea.

Tra i più importanti Regolamenti che disciplinano la materia devono ricordarsi:

- N. 712/2019 relativo alla tutela della concorrenza nel settore del trasporto aereo;
- N. 2017/386 della Commissione, in materia di sorveglianza del cielo unico europeo;
- N. 2017/373 della Commissione, in materia di fornitura dei servizi di gestione del traffico aereo e di navigazione aerea;
- N. 2015/1998 della Commissione, in materia di sicurezza aerea;
- N. 1318/2014 della Commissione, in materia di vettori aerei soggetti a un divieto operativo all'interno della Comunità;
- N. 376/2014 del Parlamento europeo e del Consiglio, concernente la segnalazione, l'analisi e il monitoraggio di eventi nel settore dell'aviazione civile;
- N. 1079/2012 della Commissione del 16 novembre 2012, che stabilisce norme sulla spaziatura dei canali di comunicazione vocale nel cielo unico europeo;
- N. 1361 del Consiglio, del 16 dicembre 2008, che modifica il regolamento (CE) n. 219/2007 relativo alla costituzione di una impresa comune per la realizzazione di un sistema europeo di nuova generazione per la gestione del traffico aereo (SESAR). Il progetto di modernizzazione della gestione del traffico aereo in Europa (progetto SESAR) costituisce la componente tecnologica del cielo unico europeo.

Suo scopo è quello di dotare la Comunità, entro il 2020, di una infrastruttura di controllo del traffico aereo efficiente e capace di assicurare lo sviluppo del trasporto aereo su basi sicure e nel rispetto dell'ambiente, beneficiando pienamente dei progressi tecnologici di programmi specifici;

- N. 1008 del 24 settembre 2008, del Parlamento europeo e del Consiglio, recante norme comuni per la prestazione di servizi aerei nella Comunità.

Il regolamento n. 1008 è derivato dalla necessità di apportare modifiche sostanziali ai regolamenti (CEE) nn. 2407/92, 2408/92 e 2409/92, sulle tariffe aeree per il trasporto di passeggeri e di merci (regolamenti abrogati dall'articolo 27), i quali sono stati quindi riformulati e consolidati in un unico regolamento (appunto, il regolamento n. 1008/2008) anche ai fini di una maggiore chiarezza.

Il regolamento n. 1008 disciplina, in sostanza, il rilascio delle licenze ai vettori aerei comunitari, il diritto dei vettori aerei comunitari di prestare servizi aerei intracomunitari e la determinazione del prezzo di tali servizi;

-N. 1107 del Parlamento europeo e del Consiglio, del 5-7-2006, relativo ai diritti delle persone con disabilità e delle persone a mobilità ridotta nel trasporto aereo (la disciplina sanzionatoria per la violazione delle disposizioni di cui al regolamento CE n. 1107/2006 è contenuta nel decreto legislativo 24-02-2009, n.24);

- Il n. 411 del Consiglio, del 21 febbraio 2004, il cui articolo 2 è stato abrogato dal regolamento (CE) n. 487/2009 del Consiglio del 25 maggio 2009;

- Il n. 95 del 18 gennaio 1993, rivolto a garantire una giusta distribuzione delle bande orarie (o slot) fra i vettori aerei che operano negli aeroporti comunitari.

Negli aeroporti la cui capacità è insufficiente a consentire le attività aeronautiche richieste è prevista la nomina di un coordinatore responsabile dell'assegnazione delle bande orarie, il quale deve operare in modo imparziale, trasparente e non discriminatorio.

Dal 1° gennaio del 1993 sono stati aboliti anche i controlli e le formalità doganali applicabili ai bagagli a mano e registrati dei passeggeri che effettuano voli intracomunitari.

Semplificazioni degli adempimenti per i voli dell'Unione europea sono state anche introdotte dall'art. 8 della legge 5-2-1999, n. 25 (legge comunitaria per il 1998), attraverso le modifiche apportate agli artt. 800 e 805 Cod. Nav..

E' stato previsto, infatti, che – nei casi di decollo ed atterraggio su territorio italiano, senza scalo intermedio, di aeromobili diretti verso Stati membri dell'Unione europea o da essi provenienti – gli occupanti devono essere in possesso di documenti validi per l'espatrio e per l'ingresso in Italia (e di tale circostanza deve essere fatta menzione sul piano di volo) solo se diretti o provenienti verso o da uno Stato membro che non abbia aderito o non abbia dato attuazione all'Accordo di Schengen del 14-6-1985 (tra Benelux, Germania, Francia e Italia), ratificato con la legge 30-9-1993, n. 388.

Leggi a protezione del Demanio Pubblico

Invero, anche nel solco tracciato dalla Legge Costituzionale 3/2001, ed in linea anche con l'assetto di competenze tracciate in ambito Comunitario, il settore delle autorizzazioni demaniali, ma invero anche quello trasporti viene in parte disciplinato anche dalle Regioni.

A tal uopo si segnala fin da subito la Legge Regionale N. 17/2006 pubblicata sul BURP n° 79 del 27.06.2006 con la quale sono state trasferite ai comuni costieri le competenze in materia di demanio marittimo e la nota del Settore Demanio e Patrimonio della Regione Puglia n° 20/14879/1 del 12.12.2006 con la quale si evidenzia che la procedura da attivare risulta quella della concessione

di cui all'art. 36 del Codice della Navigazione, che indica come L'amministrazione marittima, compatibilmente con le esigenze del pubblico uso, può concedere l'occupazione e l'uso, anche esclusivo, di beni demaniali e di zone di mare territoriale per un determinato periodo di tempo.

Le concessioni di durata superiore a quindici anni sono di competenza del ministro per la marina mercantile, ora Ministro per le Infrastrutture ed i Trasporti.

Le concessioni di durata superiore a quattro, ma non a quindici anni, e quelle di durata non superiore al quadriennio che importino impianti di difficile sgombero sono di competenza del direttore marittimo.

Le concessioni di durata non superiore al quadriennio, quando non importino impianti di difficile sgombero, sono di competenza del capo di compartimento marittimo (Comma così modificato dall'art. 3, comma primo, d. p. r. 13 luglio 1954, n. 747).

Invero, sulla questione delle concessioni demaniali, corre l'obbligo di sottolineare come nell'attuale quadro normativo e giurisprudenziale, anche Comunitario, la concessione demaniale marittima non può essere più assoggettata ad alcun automatismo, ancorché tacito ma, deve necessariamente essere attribuita mediante il ricorso alle procedure ad evidenza pubblica e, pertanto, non può sorgere alcun obbligo in capo alla P.A. procedente di provvedere alla concessione di una proroga automatica e parimenti non sussiste alcun obbligo di motivazione.

In siffatto contesto non può ritenersi possibile il formarsi di un provvedimento autorizzatorio implicito, ancorché generato da silenzio assenso.

A tal uopo si segnala che è tuttavia ancora attuale un ampio dibattito dottrinario ed attività Giurisprudenziale inerente la mancata attuazione, da parte dell'Italia, della prevalente previsione Comunitaria.

Tuttavia negli ultimi anni vari provvedimenti normativi e pronunce dei Giudici nazionali avevano comportato un discostamento da tale indirizzo, tentando di mitigarne gli effetti o di posticiparli nel tempo.

Ma con la fondamentale sentenza del Consiglio di Stato 18/2021 del 9/11/2021 è stato riaffermato con forza che l'estensione delle concessioni demaniali, intanto prorogate al 2033, risulta assolutamente illegittima e che lo Stato deve riassegnare i titoli entro due anni, tramite evidenza pubblica.

Il Consiglio di Stato ha confutato tutte le tesi sostenute dagli attuali gestori, evidenziando come le concessioni balneari debbano essere riassegnate entro massimo due anni tramite gare pubbliche, poiché l'estensione al 2033 sarebbe contraria al diritto europeo, in quanto proroga automatica e generalizzata.

Secondo i massimi Giudici Amministrativi italiani, i titoli in essere non sarebbero più validi già oggi, ma “*al fine di evitare il significativo impatto socio-economico che deriverebbe da una decadenza immediata e generalizzata di tutte le concessioni, nonché di tener conto dei tempi tecnici perché le amministrazioni predispongano le procedure di gara richieste e nell'auspicio che il legislatore intervenga a riordinare la materia in conformità ai principi di derivazione europea*”. Risulterebbe così possibile mantenere l'efficacia delle attuali concessioni fino al 31 dicembre 2023 ma non oltre poiché in tal caso, “*tutte le concessioni demaniali in essere dovranno considerarsi prive di effetto, indipendentemente da se via sia o meno un soggetto subentrante nella concessione*”.

Invero altre importanti pronunce erano state già rese dal medesimo Consiglio di Stato, che con la pronuncia n. 7874/2019 aveva già espresso un esaustivo rendiconto giuridico in tema di proroghe delle concessioni demaniali marittime a scopo turistico ricreativo, che si inserisce nell'ampio solco tracciato dai principi Comunitari.

Precedentemente la Corte di Giustizia, con sentenza del 14/07/2016, già evidenziava come l'esperimento della selezione pubblica nel rilascio delle concessioni demaniali marittima poteva rappresentare l'unico iter esperibile per il rilascio di legittima concessione demaniale, così come per altro previsto dall'art. 37 Cod. Nav..

Appare quindi evidente che l'esigenza ritenuta giuridicamente rilevante e preminente è quella della libera circolazione dei servizi (principio cardine UE), di par condicio, di imparzialità e di trasparenza.

Invero, come previsto dalla Direttiva 123/2016, le citate garanzie generalmente applicate al settore degli Appalti pubblici potevano considerarsi estese anche alle concessioni demaniali, rappresentando anche queste ultime una indiscutibile occasione di guadagno in capo ai soggetti operanti sul mercato di riferimento, tale da imporre dunque una procedura competitiva ispirata ai rammentati principi di trasparenza e non discriminazione (cfr. Cons. Stato, Sez. VI, 25 gennaio 2005 n. 168; Cons. Stato, Sez. VI, 31 gennaio 2017 n. 394).

Per medesime ragioni, non potrebbe più invocarsi neanche il cd. "diritto di insistenza", ossia il diritto di preferenza dei concessionari uscenti, poiché ogni Amministrazione che intenda procedere a una nuova concessione del bene demaniale marittima con finalità turistico ricreativa, sarà tenuta ad indire una procedura selettiva e a dare prevalenza alla proposta di gestione privata del bene

che offra maggiori garanzie di proficua utilizzazione della concessione e risponda a un più rilevante interesse pubblico, anche sotto il profilo economico. Viene così ulteriormente confermato il venir meno di ogni automatismo tale da consentire al concessionario uscente di potersi avvantaggiare in alcun modo di una situazione qualificata con conseguente (confermata) inconfigurabilità di alcun obbligo di proroga ex lege o motivazionale in capo alla P.A precedente. Sempre a fronte del delineato quadro giudico e giurisprudenziale, con particolare riferimento a quello di matrice comunitaria, viene meno l'operatività delle proroghe automatiche disposte dal legislatore nazionale, che dovranno essere così considerate assolutamente superate e comunque non operanti, così come avvenuto già mediante la pronuncia del 2016 del Giudice Comunitario, comportante la disapplicazione dell'art. 1, comma 18, d.l. n. 194/2009 e dell'art. 34-duodecies, d.l. 179/2012.

Per tali rilievi, le concessioni demaniali, in assenza di gara non potranno essere più autorizzate, ovviamente neanche in forma implicita e, pertanto, anche la più recente proroga legislativa automatica delle concessioni demaniali in essere fino al 2033, indicata dall' art. unico comma 683, L 145/2018, dopo l'intervento della Corte di giustizia nel caso "Visser" (sentenza 30/01/2018, causa C-360/15) dovrebbe essere considerata non più operante.

A salvaguardia dell'uniformità del Diritto, si rammenta che vige l'obbligo dei Funzionari pubblici di non attivare procedure improprie o creare atti "provocati" da richieste infondate, essendo invece essi chiamati a disapplicare le norme nazionali contrastanti con il principio euro-unitario, così come più volte ribadito dal Consiglio di Stato, al pari di ogni operatore dell'Apparato Amministrativo (cfr. Cons. Stato, Sez. V, 5 marzo 2018 n. 1342).

Altre norme del Diritto della Navigazione

Il Codice regola l'ordinamento amministrativo della navigazione quindi degli organi amministrativi della navigazione (Artt. 15 - 27) come dei beni pubblici destinati alla navigazione (Artt. 28 - 61). Dell'impresa di navigazione (Artt. 265 - 322).

Nella parte Seconda, afferente la navigazione marittima ed aerea viene disciplinato al Libro primo l'ordinamento amministrativo della navigazione, in particolare degli organi amministrativi e della disciplina tecnica della navigazione (Artt. 687 - 690); il regime amministrativo degli aeromobili (Artt. 743 - 775) ; l'ordinamento dei servizi aerei (Artt. 776 - 791); la polizia della navigazione (Artt. 792 - 825).

Nel Libro Secondo, dedicato alla proprietà e dell'esercizio dell'aeromobile, merita di essere citato il complesso di norme afferenti l'impresa di navigazione (Artt. 874-899).

Tra le specifiche norme, oltre a quelle già sopra citate, si segnalano altresì:

L'art. 62, inserito nel contesto merito all'attività amministrativa, della polizia e dei servizi nei porti, che regimenta il "Movimento delle navi nel porto". Tale norma appare fondamentale poiché anche dalla medesima, coniugata con singole disposizioni di Autorità Territoriale, soprattutto marittime, viene disciplinata la delicata fase in cui il mezzo idrovolante deve osservare prescrizioni puramente marittime.

L'**Art. 743** fornisce una generale nozione di Aeromobile, appunto definito come ogni macchina destinata al trasporto per aria di persone o cose. Sono così considerati aeromobili i mezzi aerei quelli a pilotaggio remoto, definiti come

tali dalle leggi speciali, dai regolamenti dell'ENAC e, per quelli militari, dai decreti del Ministero della difesa.

Le distinzioni degli aeromobili, secondo le loro caratteristiche tecniche e secondo il loro impiego, sono stabilite dall'ENAC con propri regolamenti e, comunque, dalla normativa speciale in materia.

Agli apparecchi costruiti per il volo da diporto o sportivo, compresi nei limiti indicati nell'allegato annesso alla legge 25 marzo 1985, n. 106, non si applicano le disposizioni del libro primo della parte seconda del codice della Navigazione.

Le autorizzazioni ambientali, paesaggistiche e storico archeologiche

A parte le specifiche disposizioni che di seguito si indicheranno ed analizzeranno, appare utile rappresentare in via generale che qualsiasi tipo di nuova installazione, edificio ed infrastruttura, dunque la realizzazione di qualsiasi volumetria ed impianto afferente una aviosuperficie, idrobase o idroscalo, deve essere necessariamente autorizzata dai preposti Enti pubblici, non solo per quanto riguarda l'autorizzazione o permesso a costruire in senso stretto, poiché un provvedimento di assenso urbanistico può essere soggetto non solo alle disposizioni comunali o dell'ente territoriale di riferimento, ma in diversi casi deve ottenere anche ulteriori autorizzazioni o nulla osta da altri Organismi pubblici, che a loro volta esercitano un controllo ed una vigilanza per materie di propria competenza, come quelli ad esempio affidati al Ministero dell'Ambiente competente in merito alle autorizzazioni ambientali.

Lo strumento amministrativo più utilizzato per poter ottenere un provvedimento definitivo che coinvolge più amministrazioni, può essere individuato nella “Conferenza dei Servizi”, che disciplina appunto l'incontro tra diverse

pubbliche amministrazioni su un tavolo comune, per poter meglio risolvere i problemi e confrontarsi su tematiche comuni, semplificando e razionalizzando i procedimenti che prevedono il rilascio degli atti di assenso richiesti (autorizzazioni, nulla osta, pareri, ecc.) appunto necessari per la realizzazione di nuovi interventi, sia pubblici che privati.

La disciplina della “Conferenza dei Servizi” viene prevista dalla fondamentale L. 241/90 del 7 agosto 1990, recante disposizione in tema di “Nuove norme in materia di procedimento amministrativo e di diritto di accesso ai documenti amministrativi”.

Questa formula organizzativa risulta particolarmente adatta per accelerare le decisioni che coinvolgono quindi una molteplicità di interessi e di conseguenza una pluralità di strutture amministrative, come Comune, ASL, Vigili del Fuoco, Regione, Ministeri eccetera, così favorendo la contestualità delle decisioni, mediante la partecipazione contemporanea delle singole amministrazioni, ognuna per la propria competenza.

Tra le norme generali di maggiore portata si segnala il D. Lgs. 152/2006 del 3 aprile 2006, entrato in vigore nel suo testo storico il 29 aprile 2006 (G.U. 14/04/2006)) anche indicato come “Testo Unico Ambientale” o “Codice dell’ambiente” o “Codice dell’Ambiente”, che pone come obiettivo primario la promozione dei livelli di qualità della vita umana, da realizzare attraverso la salvaguardia ed il miglioramento delle condizioni dell’ambiente e l’utilizzazione accorta e razionale delle risorse naturali; la tutela dell’ambiente e degli ecosistemi naturali e del patrimonio culturale che deve essere garantita da tutti gli enti pubblici e privati e dalle persone fisiche e giuridiche pubbliche o private, mediante una adeguata azione che sia informata ai principi della

precauzione, dell'azione preventiva, della correzione, in via prioritaria alla fonte, dei danni causati all'ambiente; lo sviluppo sostenibile; ogni attività umana giuridicamente rilevante che deve conformarsi al principio dello sviluppo sostenibile, al fine di garantire che il soddisfacimento dei bisogni delle generazioni attuali non possa compromettere la qualità della vita e le possibilità delle generazioni future.

Il Decreto Legislativo disciplina, tra le altre, le procedure per la valutazione ambientale strategica (VAS), per la valutazione d'impatto ambientale (VIA) e per l'autorizzazione ambientale integrata (IPPC); la difesa del suolo e la lotta alla desertificazione, la tutela delle acque dall'inquinamento e la gestione delle risorse idriche; la tutela dell'aria e la riduzione delle emissioni in atmosfera; la tutela risarcitoria contro i danni all'ambiente.

Si segnalano infine i poteri e compiti della “Soprintendenza Archeologia, belle arti e paesaggio per le province di Brindisi e Lecce” con sede a Lecce (articolazione territoriale del Ministero della Cultura), così come anche individuati dal vigente D.Lgs. 42/2004 “Codice dei Beni culturali e del Paesaggio”, quindi competente a tutelare il patrimonio archeologico, storico-artistico, architettonico e paesaggistico di riferimento.

5. IDROVOLANTI, IDROBASI ED IDROSUPERFICI

In merito alla scelta tipologica, da parte del partner Comune di Gallipoli, delle idrosuperfici utilizzabili per la realizzazione delle reti infrastrutturali prevista dal progetto SWAN, appare opportuno ribadire la generale portata normativa e regolamentare vigente nel territorio italiano, dove ruolo centrale assume la previsione di cui al Decreto Ministeriale Infrastrutture e Trasporti del 01/02/2006 “*Norme di attuazione della legge 2 aprile 1968, n. 518, concernente la liberalizzazione dell'uso delle aree di atterraggio*”, ove appunto si definisce «idrosuperficie», quel particolare tipo di aviosuperficie destinata all’uso esclusivo di idrovoltanti o elicotteri muniti di galleggianti (Art. 1 punto 3), gestite da persone fisiche o giuridiche *le quali sono responsabili della sua rispondenza ai requisiti previsti dal Decreto, della sua agibilità in condizioni di sicurezza anche in relazione agli ostacoli presenti lungo le traiettorie di decollo e atterraggio e dell'efficienza delle attrezzature tecniche e operative installate.* La norma si rivolge alle aviosuperficie, idrosuperficie ed elisuperficie, salvo indicare le singole specificità, al fine della loro fruibilità per l’approdo, permanenza, transito e decollo degli idrovoltanti.

Sulla definizione di idrovoltante si rimanda principalmente a quella resa dall’Organizzazione Internazionale dell’Aviazione Civile (ICAO) che li classifica come aeroplani o “barche volanti” su galleggianti, sia anfibi che non anfibi, oppure come un idrovoltante o “barca volante” per attività solo aquatiche o anfibie.

In merito alla gestione di una aviosuperficie, si deve innanzitutto indicare come la stessa venga subordinata al consenso, espresso in forma scritta, del proprietario dell'area su cui l'aviosuperficie e' ubicata.

Se l'aerea l'area è appartenente allo Stato o a enti pubblici, la gestione e' subordinata al nulla osta o alla concessione d'uso da parte della competente autorità amministrativa.

L'uso dell'aviosuperficie e' generalmente subordinata al consenso del gestore, che e' tenuto a fornire agli utenti tutte le informazioni necessarie per la buona esecuzione dell'attività, ed e' limitato ai voli intracomunitari, salvo elencati casi di esclusione "...di cui agli articoli 13.8, 15.2, 17.2 e 18.4 ed agli articoli 22.4 e 23.2 per la gestione e l'uso dell'aviosuperficie è richiesta specifica autorizzazione rilasciata dall'ENAC secondo la procedura di cui all'Appendice 1".

Il D.M. 2006 in parola, all'articolo intitolato appunto "Gestione - Norme procedurali" indica espressamente:

*"1. La persona fisica o il rappresentante legale della persona giuridica che gestisce l'aviosuperficie devono essere in possesso di un nulla osta rilasciato dal questore della provincia di residenza o della sede legale della persona giuridica, previa valutazione anche della inesistenza di controindicazioni agli effetti dell'ordine e della sicurezza pubblica nonché della sicurezza dello Stato.
2. Il gestore trasmette all'ENAC almeno quaranta giorni prima della data di inizio della gestione dell'aviosuperficie copia del nulla osta di cui al precedente comma, gli estremi per la sua identificazione e per quella del proprietario dell'area destinata ad aviosuperficie, i dati caratteristici dell'aviosuperficie e ogni altra documentazione richiesta dall'ENAC".*

Inoltre l'avvenuto inizio della gestione e qualsiasi modifica degli elementi indicati nei citati commi 2 e 3 devono essere tempestivamente comunicati dal gestore all'ENAC, al comune ed all'autorità provinciale di pubblica sicurezza, per il tramite del locale ufficio o comando di polizia competente per territorio. Le medesime devono essere inoltre trasmesse dall'ENAC al Ministero delle infrastrutture e dei trasporti - Dipartimento per la navigazione ed il trasporto marittimo ed aereo, al Ministero dell'interno - Dipartimento della pubblica sicurezza ed alla questura competente, al Ministero della difesa - Stato Maggiore, al Ministero dell'economia e delle finanze – Comando generale Guardia di finanza, all'Agenzia delle dogane, alla società ENAV nonché alla Regione ed al Comune competenti nel cui territorio sono realizzate le opere di cui all'art. 1 del Decreto *de quo*.

Quando l'istituzione di una nuova aviosuperficie, idroscalo, idrobase eccetera, comporta anche la realizzazione di strutture, impianti particolari e comunque di volumetrie tali da incidere non solo dal punto di vista strettamente infrastrutturale, ma anche sotto il profilo urbanistico, ambientale, paesaggistico o storico - culturale, si renderà necessario ottenere tutte le dovute licenze, autorizzazioni, atti di assenso e nulla osta, dagli altri preposti Enti pubblici.

Lo strumento attraverso il quale è possibile ottenere la pluralità di tali atti, utili per la realizzazione di nuovi interventi sia pubblici che privati, viene indicato nella “Conferenza dei Servizi”, disciplinata dalla L. 241/90 “*Nuove norme in materia di procedimento amministrativo e di diritto di accesso ai documenti amministrativi*”.

Si segnala a tal uopo che nell'ambito della riforma della Pubblica Amministrazione, approvata con la così detta “Legge Madia”, il Parlamento ha delegato il Governo a ridefinire e semplificare ulteriormente la disciplina della conferenza di servizi con l'obiettivo, tra gli altri, di rendere più celeri i tempi della intera procedura, nonché assicurare che qualsiasi tipo di conferenza abbia una durata certa (art. 2, L. 124/2015).

In attuazione della delega, il D.Lgs. 30 giugno 2016, n. 127 ha riscritto la disciplina della conferenza, riformulando integralmente gli articoli da 14 a 14-quinquies della L. n. 241/1990: *“L'istituto della conferenza di servizi, la cui disciplina generale è stabilita nella legge n. 241 del 1990 (artt. 14-15), è stato modificato più volte e parzialmente riformato dalla legge n. 127/1997 (artt. 9-15) che ha novellato la legge 241/1990. Successivamente, modifiche di rilievo sono state apportate dalla legge n. 15/2005 (artt. 8-13), dalla legge n. 69/2009 (art. 9), dal D.L. n. 78/2010 (art. 4 9), dal D.L. n. 70/2011 (art.5), dal D.L. n. 179/2012 (art. 33-octies) e dal D.L. n. 133/2014 (art. 25)”.*

In merito alle responsabilità del pilota, ai sensi del successivo art. 5 del citato DM 2006, deve essere il pilota (oltre a richiedere il consenso di cui all'art. 3.3) a comunicare al gestore i seguenti dati ciascun movimento, il suo nominativo e quello di un eventuale copilota; il tipo dell'aeromobile; marche dell'aeromobile; numero persone a bordo; orario partenza e destinazione; orario di arrivo e provenienza.

Ai sensi del Decreto in oggetto, sono consentite attività sulle aviosuperfici, oltre all'effettuazione di attività non remunerate, anche quelle afferenti attività di trasporto pubblico, scuola e lavoro aereo.

Ferma restando la responsabilità del gestore dell'aviosuperficie, le attività di trasporto pubblico, scuola e lavoro aereo si svolgono sotto la responsabilità del titolare della licenza di cui all'art. 778 Cod. Nav. ed al Regolamento CEE/2407/1992 (Art. 6).

Il successivo articolo 8 inerente le “Aviosuperfici o Idrosuperfici occasionali”, indica come sia considerata idrosuperficie occasionale (punto 1) qualunque area di dimensioni idonee a permettere operazioni occasionali di decollo e atterraggio di velivoli, e come il loro uso sia consentito anche per attività di lavoro aereo (punto 2).

Per l'uso delle aviosuperficie occasionali non sono necessarie la figura del gestore (di cui all'art. 3 del DM 2006), la segnaletica e l'assistenza antincendio, mentre deve essere l'esercente (certificato) del lavoro aereo ad effettuare preventivamente le proprie valutazioni sull'adeguatezza dell'aviosuperficie sulla base delle condizioni di utilizzo, tenuto conto che, in ogni caso, le dimensioni dell'aviosuperficie devono essere idonee all'effettuazione della corsa di approdo e della corsa di decollo dei velivoli di cui è previsto l'impiego.

L'uso di aviosuperficie occasionali è altresì consentito anche per la pratica del volo in montagna in attività diversa dal trasporto pubblico mentre l'uso di idrosuperficie occasionali per operazioni è consentito anche per attività diverse dal lavoro aereo.

L'uso delle aviosuperficie occasionali è limitato ai voli con origine e destinazione nel territorio nazionale senza scali intermedi in territorio di altro Stato.

L'uso delle aviosuperficie occasionali ubicate su un'area di proprietà privata è subordinato al consenso del proprietario dell'area, mentre sono ubicate su

un'area di proprietà dello Stato o di enti pubblici, l'uso è subordinato al nulla osta o alla concessione d'uso da parte della competente autorità amministrativa. Nel caso di idrosuperfici occasionali che siano ubicate in aeree aperte al traffico nautico pubblico, non sono necessari nulla osta o concessioni d'uso, fermo restando la responsabilità dell'operatore ad operare nel rispetto delle regole della navigazione. Il pilota resta responsabile del rispetto della normativa vigente in materia di uso del territorio e di tutela dell'ambiente.

A tal uopo si tenga in particolare considerazione il punto 2, ultimo capoverso: “L'uso di idrosuperfici occasionali per operazioni è consentito anche per attività diverse dal lavoro aereo” nonché l'ultimo capoverso del punto 4: “Nel caso di idrosuperfici occasionali che siano ubicate in aeree aperte al traffico nautico pubblico, non sono necessari nulla osta o concessioni d'uso, fermo restando la responsabilità dell'operatore ad operare nel rispetto delle regole della navigazione”.

L'art 10 pone una serie di limitazioni con marcato riferimento alla sicurezza:
“1. La scelta, la gestione e l'uso di un'aviosuperficie sono subordinati al rispetto delle zone proibite, pericolose e regolamentate indicate nelle apposite pubblicazioni aeronautiche nazionali e sono comunque soggetti alle restrizioni permanenti o temporanee stabilite dalle competenti autorità civili o militari. 2. L'adempimento delle disposizioni del presente decreto non esonera dal rispetto della normativa vigente, anche riguardo a specifiche competenze di altre pubbliche autorità centrali e periferiche o di enti locali, per lo svolgimento delle attività sulle aviosuperficie. 3. L'ENAC puo' in qualsiasi momento limitare, sospendere o far cessare, con provvedimento motivato, la gestione e/o l'uso di un'aviosuperficie. La cessazione dell'attività di gestione o dell'uso

dell'aviosuperficie e' comunque disposta quando viene revocato il nulla osta del gestore, di cui all'art. 4.1. E' comunque immediatamente disposta allorquando ne viene fatta richiesta dalla Autorità di pubblica sicurezza. 4. L'ENAC può altresì limitare per zone geografiche, con provvedimento motivato, l'attività aerea su elisuperfici ed aviosuperfici occasionali. 5. Le informazioni relative alla limitazione, alla sospensione ed alla cessazione della gestione di aviosuperfici sono trasmesse dall'ENAC ai soggetti di cui all'art. 4.5.”.

Anche in tal caso l'Ente Nazionale dell'Aviazione Civile assume un ruolo fondamentale, anche di controllore e di visore super partes, con competenze sull'intero territorio nazionale.

All'articolo 11, tra le altre, si rappresentano altresì le seguenti disposizioni generali:

1. Il pilota svolge le operazioni di volo sulle aviosuperfici sotto la propria responsabilità ed e' tenuto a conformarsi alle norme e alle procedure di volo contenute nelle apposite pubblicazioni nazionali e alle eventuali limitazioni e prescrizioni dettate dalle competenti autorità;
2. L'attività aerea sulle aviosuperfici deve essere effettuata a contatto visivo con il suolo, in condizioni meteorologiche non inferiori a quelle minime prescritte dalle regole del volo a vista e, limitatamente ai velivoli, nelle ore diurne;
3. Il pilota e' responsabile del rispetto della normativa vigente in materia di controllo del traffico aereo;
4. Qualora l'attività aerea avvenga in montagna o comunque in zona ove non e' possibile il contatto radio bilaterale con l'ente di controllo del traffico aereo competente, il pilota deve sintonizzare la radio di bordo sulla frequenza di 130.0

MHZ ed effettuare periodiche chiamate all'aria, allo scopo di evitare conflitti di traffico;

5. L'ENAC può revocare, sospendere o modificare, in applicazione della normativa vigente, le autorizzazioni le certificazioni e le licenze rilasciati quando e' accertata la violazione dei requisiti di cui al presente decreto.

Sempre in merito alle attività dei piloti su aviosuperfici, l'art. 21 indica disposizioni generali, riferite ai "Requisiti dei piloti per l'impiego di velivoli su aviosuperfici" specificando che il pilota che intende impiegare velivoli su aviosuperfici in pendenza deve altresì:

- a) essere in possesso dell'abilitazione all'uso delle aviosuperfici in pendenza (AP);
- b) essere in possesso dell'abilitazione al tipo di velivolo impiegato; c) aver effettuato, almeno cinque decolli e cinque approdi negli ultimi novanta giorni anteriori alla data di utilizzazione dell'aviosuperficie.

Per l'uso delle idrosuperfici occasionali il pilota deve avere svolto almeno:

- a) 25 ore di attività di volo su idrovolanti;
- b) cinque decolli e cinque approdi con idrovolanti negli ultimi novanta giorni anteriori alla data di utilizzazione dell'idrosuperficie.

In merito al Trasporto pubblico con velivoli, il Decreto Ministeriale 2006 prevede (Art. 22) che l'uso di aviosuperfici per attività di trasporto pubblico con velivoli e' consentito esclusivamente per i voli: a) non di linea; b) con velivoli di massa massima al decollo non superiore a 5700 kg e numero di posti passeggeri non superiore a 9.

Le operazioni sulle aviosuperfici sono consentite nel rispetto delle disposizioni tecnico-operative vigenti ed in conformità alla documentazione di certificazione ed alla documentazione d'impiego dell'aeromobile. La documentazione d'impiego deve contenere le disposizioni e le informazioni necessarie al personale impiegato nelle operazioni di volo su aviosuperfici.

Il trasporto pubblico avviene sotto la responsabilità del direttore operativo della società interessata che, a tal fine, deve disporre l'effettuazione di una ricognizione a terra e in volo sulle aviosuperfici di prevista utilizzazione.

L'uso delle aviosuperfici per trasporto pubblico deve essere autorizzato dall'ENAC. Dette aviosuperfici devono soddisfare, tra gli altri, i seguenti requisiti, dunque dotarsi di:

- a) recinzione se trattasi di aviosuperficie terrestre;
- b) area di movimento adeguata alle caratteristiche del velivolo;
- c) servizio di ambulanza e pronto soccorso fruibile in modo tempestivo;
- d) utenza telefonica;
- e) apparato radio di comunicazione terra/bordo/terra.

Devono inoltre essere disponibili dotazioni e personale qualificato per assicurare i primi interventi di soccorso ed antincendio.

L'Ente Nazionale per l'Aviazione Civile può richiedere, in funzione delle caratteristiche orografiche, meteorologiche e di traffico, l'adozione di procedure operative specifiche.

Il gestore deve rendere disponibile all'ENAC il rilievo degli ostacoli interessanti le direzioni di approdo del DM 1/2006 (app. 3) e deve determinare le seguenti distanze di pista da sottoporre all'ENAC per approvazione:

- a) corsa disponibile per il decollo;

- b) distanza disponibile per il decollo;
- c) distanza disponibile per l'accelerazione-arresto;
- d) distanza disponibile per l'atterraggio.

Non sono consentite operazioni in presenza di fanghiglia, acqua, neve o ghiaccio sulla pista.

L'esercente dell'aeromobile deve riportare nella documentazione d'impiego le tabelle e/o i grafici delle prestazioni e le procedure di contingenza dei velivoli impiegati.

Per le idrosuperficie utilizzate quale base operativa è richiesta la presenza di una imbarcazione di appoggio capace di portare soccorso a tutte le persone a bordo degli aeromobili in acqua; è inoltre richiesta la presenza al punto di approdo a terra di mezzi di estinzione adeguati alla categoria dell'aeromobile.

Il D.M. reca precise disposizioni per la consentita attività aeroscolastica così come indicato all'Art. 23, e le cui autorizzazioni saranno da veicolarsi sempre in capo all'ENAC.

Ai fini della garanzia di massima sicurezza, si segnala che: durante le attività formative devono adottate, tra le altre, misure di protezione o di procedure atto a mantenere sgombra l'area di manovra da persone, animali e cose; deve essere sempre mantenuta disponibile l'utenza telefonica l'apparato radio di comunicazione terra/bordo/terra; essere in possesso di una grafica aggiornata per sentieri di discesa e decollo ove siano evincibili tutti gli ostacoli.

Devono inoltre essere disponibili dotazioni e personale qualificato per assicurare i primi interventi di soccorso ed antincendio nonché di pronto soccorso sanitario.

L'esercente dell'aeromobile deve riportare nella documentazione d'impiego le tabelle e/o i grafici delle prestazioni e le procedure di contingenza degli aeromobili impiegati.

Infine merita citazione anche l'articolo 24, il quale indica che l'attività di lavoro aereo è consentita nel rispetto delle disposizioni tecnico-operative vigenti ed in conformità alla documentazione di certificazione ed alla documentazione di impiego dell'aeromobile. La documentazione di impiego deve contenere le disposizioni ed informazioni necessarie al personale impiegato nelle operazioni di volo su aviosuperfici. L'attività di lavoro aereo su aviosuperfici si svolge sotto la responsabilità dell'esercente.

6. LA DISCIPLINA DELL'ATTIVITA' DI VOLO DA DIPORTO O SPORTIVO

Alla disciplina sulle avio ed idro superfici, va necessariamente raccordato anche il DPR 133/2010 “*Nuovo regolamento di attuazione della legge 25 marzo 1985, n. 106, concernente la disciplina del volo da diporto o sportivo*” che si applica anche agli idrovoltanti della categoria ivi contemplata.

Il Decreto richiama in particolare (Art. 3) la responsabilità del pilota per la condotta dell'apparecchio VDS, in particolare della condotta e dell'utilizzo dell'apparecchio VDS dalla fase di approntamento del mezzo per l'effettuazione del volo fino alla definitiva messa in sicurezza per la sosta. In caso di attività didattica il pilota responsabile è l'istruttore di volo.

Particolare attenzione è data ai “Sistemi di sicurezza” (Art. 4) ossia delle componenti e caratteristiche degli idrovoltanti, essendo comunque le responsabilità (anche in caso di ammaraggio di fortuna) di riferimento di competenza del pilota, costruttore esercente o proprietario.

Meritano menzione anche le espresse misure dedicate alla emanazione di restrizioni, divieti e sicurezza in generale, limiti alle operazioni di volo (Art. 5), in quanto viene previsto che l'ENAC, anche su richiesta del Ministero delle infrastrutture e dei trasporti o del Ministero della difesa, in relazione ad esigenze di sicurezza della navigazione aerea civile e militare, adotta specifiche restrizioni di natura temporanea all'attività di volo, indicando la durata del divieto o delle limitazioni all'attività ed i limiti laterali e verticali delle aree interessate, tanto ciò anche con espresso richiamo al Regolamento ENAC "Servizio informazioni aeronautiche", approvato con deliberazione del 24

maggio 2007. Tali informazioni si palesano necessarie anche per gli operatori e gestori delle idrobasi di prossima costituzione.

Parimenti si segnala anche il successivo art 6 “Uso delle aree per decollo ed atterraggio” che prescrive:

1. Il decollo, l'atterraggio ed il rimessaggio possono essere effettuati su qualsiasi area idonea, ivi comprese le aviosuperfici, le idrosuperfici e le elisuperfici certificate dall'ENAC nonché su aree occasionali, secondo quanto previsto dalla vigente normativa, previo consenso dell'esercente dell'area o di chi può disporne l'uso, fatti salvi gli eventuali divieti disposti dalle competenti Autorità civili e militari.
2. Le operazioni di attracco ed ormeggio degli idrovolanti e degli anfibi sono assoggettate alle stesse regole di navigazione vigenti per i natanti da diporto. In fase di flottaggio, agli idrovolanti ed agli anfibi non sono applicabili limitazioni legate alla potenza della motorizzazione imposte dalla normativa vigente in materia di circolazione di natanti. Limitazioni di velocità sono applicabili solo alle fasi di flottaggio che seguono il completamento della manovra di ammaraggio o che precedono l'avvio di quella di decollo.
3. L'atterraggio, il decollo e le operazioni di volo in prossimità di aeroporti civili sono effettuate esclusivamente su autorizzazione rilasciata dall'ENAC, previo coordinamento con il fornitore di Servizi di traffico aereo competente. In prossimità di aeroporti e di installazioni militari, dette attività sono soggette alla preventiva autorizzazione rilasciata dal Ministero della difesa, in aderenza a specifici accordi tecnici stipulati tra l'Aeronautica militare e l'Aero Club d'Italia. L'art. 8 prende in esame gli apparecchi qualificati come «Avanzati», di cui alla legge 25 marzo 1985, n. 106 , attualmente oggetto di ampio dibattito e

rinnovazione legislativa. Tale categoria rientra in quella VDS, ma con standard qualitativi superiori, tra cui quelli afferenti le innovazioni nella comunicazione in navigazione ed identificazione anche mediante trasponder, che consentono loro di poter così accedere a spazi aerei altrimenti interdetti al classico volo VDS.

In merito alle successive codificazione di norme di aeronavigazione, merita di essere analizzato anche l'art. 9 "Norme di circolazione", laddove si prevede che:

1. L'attività di volo con apparecchi VDS, è svolta in conformità delle regole del volo a vista diurno, delle regole dell'aria e degli altri regolamenti applicabili agli spazi aerei impegnati, emanati dall'ENAC e, in ogni caso, fuori dalle nubi ed in condizioni meteorologiche e di visibilità tali da consentire il continuo riferimento visivo con il suolo, l'acqua, gli ostacoli e l'eventuale presenza di ogni altro tipo di traffico aereo. Gli apparecchi avanzati di cui all'articolo 8 fruiscono di tutti i servizi di navigazione aerea con le stesse modalità e gli stessi obblighi degli altri aeromobili e si attengono alle prassi operative concordate tra l'Aero Club d'Italia e il fornitore di servizi di traffico aereo competente.
2. Salvo diversa autorizzazione dell'ENAC, sentito il fornitore di servizi di traffico aereo competente e tenuto conto di quanto previsto ai commi 3 e 5 nonché all'articolo 6, comma 2, l'attività VDS è svolta fuori dagli spazi aerei controllati e dalle zone di traffico aeroportuale, a distanza di sicurezza dagli ostacoli e a distanza non inferiore a cinque chilometri dagli aeroporti.
3. Salvo diversa autorizzazione dell'ENAC, sentito il fornitore di servizi di traffico aereo competente, l'attività di volo effettuata con gli apparecchi di cui all'articolo 2, lettera b), e' consentita fino ad un'altezza massima di cinquecento

piedi dal terreno, determinata con riferimento all'ostacolo più elevato nel raggio di cinque chilometri. Il limite di cinquecento piedi è elevato a mille piedi nei giorni di sabato e di domenica e nelle altre festività nazionali. Limitatamente alle scuole di volo riconosciute dall'Aero Club d'Italia il limite di cinquecento piedi è elevato a mille piedi nel raggio di tre chilometri dall'ubicazione della pista, ove la scuola ha l'autorizzazione per svolgere la propria attività, previo obbligo di coordinamento con le autorità militari al fine di garantire la sicurezza del traffico militare operativo e di Stato.

4. Agli apparecchi di cui all'articolo 2, lettera b), è vietato il sorvolo di centri abitati, di assembramenti di persone, di agglomerati di case, di caserme, di depositi di munizioni, di porti militari, di stabilimenti e impianti industriali, di aree riservate ai fini della sicurezza dello Stato. È, inoltre, vietato il sorvolo delle linee e stazioni ferroviarie, di centrali elettriche, di dighe, di ospedali, di carceri e delle principali vie di comunicazione, che, quando strettamente necessario, possono essere sorvolate in senso ortogonale. È altresì vietato il lancio di oggetti e di liquidi in volo.

5. La titolarità della qualifica di pilota VDS avanzato o il possesso dell'attestato di istruttore VDS avanzato di cui all'articolo 18, abilitano il pilota responsabile, ai comandi di un apparecchio qualificato avanzato, ad operare su tutti gli aeroporti non aperti al traffico commerciale, su quelli aperti al traffico commerciale indicati dall'ENAC, nonché in tutto lo spazio aereo italiano aperto al volo a vista. Analoga facoltà è concessa ai cittadini comunitari in possesso dell'attestato di cui all'articolo 11, comma 6, in caso di accordo concluso tra l'Aero Club d'Italia e l'ente omologo dello Stato di cittadinanza del pilota.

6. Non sono consentiti impieghi diversi dall'attività VDS di cui all'articolo 2, lettera a) ad esclusione dell'attività di traino di apparecchi da volo libero e alianti VDS.

In merito alla classificazione di aeromobile, e categorie di appartenenza, anche il DPR 133/2010 rimanda alla definizione di cui all'art. 743 Cod. Nav. “*Nozione di aeromobile. Per aeromobile si intende ogni macchina destinata al trasporto per aria di persone o cose. Sono altresì considerati aeromobili i mezzi aerei a pilotaggio remoto, definiti come tali dalle leggi speciali, dai regolamenti dell'ENAC e, per quelli militari, dai decreti del Ministero della difesa. Le distinzioni degli aeromobili, secondo le loro caratteristiche tecniche e secondo il loro impiego, sono stabilite dall'ENAC con propri regolamenti e, comunque, dalla normativa speciale in materia. Agli apparecchi costruiti per il volo da diporto o sportivo, compresi nei limiti indicati nell'allegato annesso alla legge 25 marzo 1985, n. 106, non si applicano le disposizioni del libro primo della parte seconda del presente codice*”.

7. IDROSCALI ED IDROVOLANTI PER TRASPORTO AREOMARITTIMO DI LINEA

Il regolamento I Ed 1.2016 l’Ente Nazionale Aviazione Civile appunto indicante “Idroscali Marini per operazioni di trasporto commerciale”, in ragione di quanto previsto dalle seguenti norme: Regolamento (UE) n. 216/2008 del 20/2/2008 recante regole comuni nel settore dell’aviazione civile e che istituisce un’Agenzia Europea per la Sicurezza Aerea; Regolamento (UE) n. 965/2012 del 5/10/2012 che stabilisce i requisiti tecnici e le procedure amministrative per quanto riguarda le operazioni di volo ai sensi del regolamento (CE) n. 216/2008; il Regolamento (UE) n. 923/2012 SERA del 26/9/2012 che stabilisce regole dell’aria comuni e disposizioni operative concernenti servizi e procedure della navigazione aerea; le specifiche norme del Codice della Navigazione; la Convenzione di Londra del 20 ottobre 1972 per la prevenzione degli abbordi in mare.

Tale norma si rivolge al traffico degli idrovoltanti a turbina, sia monomotore che plurimotore, che sono considerati “aeromobili complessi” dal Regolamento (UE) n. 216/2008. Quando tali velivoli vengono utilizzati in operazioni di trasporto commerciale devono necessariamente operare da un aeroporto adatto allo scopo, così come stabilito dal Regolamento (UE) n. 965/2012.

L’ENAC ha pertanto ritenuto di disciplinare l’impiego delle strutture destinate ad accogliere gli idrovoltanti complessi impegnati in operazioni di trasporto commerciale che operino sul mare, definendo tali strutture (Art. 1) come “Idroscali Marini”.

Per aeromobile complesso si specifica altresì che lo stesso debba avere una massa massima certificata al decollo superiore a 5700 Kg, oppure che sia certificato per una configurazione massima di posti passeggeri superiore a 19, oppure certificato per operare con un equipaggio minimo di due piloti, oppure dotato di uno o più motori a turbogetto o più di un motore a turboelica, tanto ciò anche in conformità a quanto stabilito dall'art. 3 del Regolamento (UE) n. 216/2008.

Nel medesimo atto regolamentare vengono così definiti i livelli di sicurezza da assicurare per autorizzare la gestione e l'impiego degli Idroscali Marini destinati alle operazioni di idrovoltanti plurimotore a turbina con configurazione massima di posti passeggeri fino a 19 incluso, in operazioni commerciali, condotte in accordo al Regolamento (UE) n. 965/2012.

Tuttavia l'idroscalo marino è aperto anche agli idrovoltanti non complessi, ed al traffico non commerciale secondo quanto specificato nel Manuale dell'Idroscalo Marino (appendice 3 al Regolamento, che si indicherà anche di seguito).

In sintesi le disposizioni vengono così rivolte alle seguenti circostanze:

- a) agli Idroscali Marini dove operano idrovoltanti plurimotori a turbina con configurazione massima di posti passeggeri fino a 19 incluso, impiegati in operazioni di trasporto commerciale;
- b) alla gestione degli Idroscali Marini;
- c) alle operazioni degli idrovoltanti sugli Idroscali Marini, con specifica tali strutture siano dunque rappresentate da aeroporti con area di operazioni posta sul mare, dove possono operare idrovoltanti complessi in operazioni di traffico commerciale.

Come sancito dall'art. 6 agli idroscali marini non si applicano:

- le norme dell'ENAC per la "Costruzione e l'Esercizio degli Aeroporti" (RCEA);
- le norme che disciplinano gli idroscali realizzati in acque interne;
- le norme relative alle idrosuperfici regolate dal DM 1/2/2006 (già sopra citato) e a tutti gli idroscali marini dove non si effettuano operazioni di trasporto aereo commerciale con idrovoltanti complessi.

Il regolamento prevede altresì come gli Idroscali Marini vengono istituiti a seguito di un'autorizzazione rilasciata dall'ENAC, a seguito di proposizione di specifica domanda di autorizzazione, che viene appunto presentata all'ENAC dal rappresentante legale della società interessata alla gestione. L'invio della domanda va inoltrata in copia anche al Questore, al Demanio Marittimo ed al Comando delle Capitanerie di porto.

La copia della domanda per l'ENAC deve contenere i seguenti allegati:

- a) Manuale dell'Idroscalo Marino
- b) descrizione delle responsabilità organizzative;
- c) evidenza della disponibilità di un'area di ormeggio (o di movimentazione a terra);
- d) (se applicabile) richiesta alle autorità marittime per l'istituzione delle seguenti due aree a traffico regolamentato:
 - area 1: raccordo di manovra;
 - area 2: area di corsa (sia per la navigazione che per la pesca).

La dichiarazione in cui si impegna a corrispondere all'Ente i diritti previsti secondo il Regolamento per le Tariffe dell'ENAC in vigore.

Ogni istanza di modifica dell'autorizzazione già rilasciata dall'ENAC segue lo stesso iter dell'autorizzazione iniziale e può essere attuata solo a seguito della comunicazione di esito positivo da parte dell'ENAC.

Particolare importanza viene dunque assunta anche dal Manuale dell'Idroscalo Marino, inserito nell'Appendice 3:

Manuale dell'Idroscalo Marino

- 1. Il Manuale dell'Idroscalo Marino è approvato all'Enac, e deve includere o specificare (per quanto applicabile) i seguenti elementi:*
- a) identificatore di località ICAO;*
- b) ubicazione geografica;*
- c) idrovolete critico operativo;*
- d) condizioni tecniche di utilizzo delle strutture per i terzi;*
- e) descrizione, forma, dimensioni e coordinate della zona di ormeggio, raccordo di manovra ed area di corsa;*
- f) descrizione generale delle infrastrutture;*
- g) coordinamento con le capitanerie di porto per le attività di ricerca e soccorso in mare (SAR);*
- h) elaborato grafico delle infrastrutture;*
- i) delimitazione delle aree acquatiche, segnali ed aiuti visivi;*
- j) descrizione delle infrastrutture ed attrezzature per i passeggeri e bagagli;*
- k) procedure del controllo dei bagagli e gestione della security;*
- l) recapiti telefonici ed email ed orari di apertura;*
- m) piano di emergenza e sistemi di comunicazione terra/bordo/terra;*
- n) gestione e diffusione delle informazioni meteo;*
- o) valutazioni sugli aspetti inerenti il bird strike;*

- p) strutture e procedure per la sosta overnight degli aeromobili;*
- q) responsabilità per dati da pubblicare in AIP Italia;*
- r) cartografia ed altri dati da pubblicare in AIP Italia;*
- s) dati da fornire alle autorità marittime;*
- t) procedure di sospensione delle operazioni e relative comunicazioni;*
- u) quanto altro stabilito dall'Enac nel corso del processo di autorizzazione.*

La domanda di autorizzazione può essere presentata solo dalle persone giuridiche e viene rilasciata dall'ENAC a fronte della conformità ai requisiti indicati nello stesso regolamento ed indicate nell'Appendice 1, considerando anche quanto indicato nell'Appendice 2, nonché i provvedimenti delle preposte autorità marittime che di seguito di indicano e comunque tutto quanto possa essere ritenuto necessario per motivi di sicurezza.

Nella indicata Appendice 1 viene testualmente indicato:

Procedure per l'autorizzazione della gestione

- 1. A seguito della presentazione della domanda e dei relativi allegati l'ENAC verifica la completezza ed adeguatezza del contenuto.*
- 2. Se il contenuto è ritenuto soddisfacente, è convocata una riunione cui partecipano:*
 - a) il responsabile della società;*
 - b) le persone responsabili indicate nella domanda;*
 - c) rappresentanti di altre autorità, come ritenuto opportuno dall'ENAC.*
- 3. Successivamente l'ENAC comunica le eventuali modifiche o integrazioni alla documentazione per il rilascio dell'autorizzazione.*
- 4. Verificata la accettabilità della documentazione, l'ENAC pianifica una o più visite nel sito designato per le verifiche tecnico-operative.*

5. *A seguito dell'esito positivo delle verifiche e acquisito il parere delle autorità marittime, l'ENAC invia al gestore:*

- a) l'autorizzazione alla gestione dell'idroscalo marino;*
- b) il piano di sorveglianza.*

6. *L'autorizzazione viene rilasciata per un periodo iniziale non superiore a 2 anni.*

7. *L'autorizzazione può essere rinnovata su istanza del gestore.*

8. *In occasione del rinnovo, o degli audit, o in altre circostanze ritenute necessarie, l'ENAC verifica la persistenza dei requisiti per il mantenimento dell'autorizzazione.*

Mentre nell'Appendice 2 si legge:

Caratteristiche raccomandate per la selezione del sito dell'Idroscalo Marino

- distanza di almeno 1 miglio marino da aree marine protette, in assenza di procedure compatibili con l'ambiente;*
- distanza di almeno 0,5 miglia da zone frequentate abitualmente da stormi di volatili, in assenza di sistemi anti bird-strike;*
- distanza di almeno 0,5 miglia dalle rotte commerciali marittime, in assenza di altra regolamentazione locale del traffico;*
- corrente media non superiore a 7 nodi;*
- geometria delle aree di manovra ed ormeggio compatibili con risacca;*
- fondale marino adeguato (assenza e distanza da scogli e profondità).*

Caratteristiche raccomandate per le infrastrutture ed attrezzature

- larghezza delle passerelle di imbarco non inferiore a 1,5 m;*
- pendenza delle passerelle di imbarco adeguata a persone a ridotta mobilità;*
- installazione di dispositivi per attenuare gli effetti del moto ondoso;*

- *installazione di parabordi, o equivalente per non danneggiare la parte degli aeromobili a contatto con le installazioni fisse;*
- *segnali di zone pericolose per il passaggio, in quanto esposte (ad es.) al flusso dei motori, o al movimento delle eliche;*
- *corde per tenere in posizione gli aeromobili e parabordi e salvagenti;*
- *luci per le segnalazioni di ormeggio;*
- *estintori in corrispondenza di ogni posizione di parcheggio;*
- *dispositivi di soppressione delle fiamme in caso di rifornimento di carburante.*

Il titolare dell'autorizzazione assume la funzione di gestore dell'Idroscalo Marino ed il suo utilizzo è comunque consentito a tutti gli operatori e soggetti privati che ne facciano richiesta all'esercente, secondo le condizioni e le procedure contenute nell'indicato Manuale dell'Idroscalo Marino.

L'istituzione di un Idroscalo Marino non può mai dar luogo a servitù aeronautiche.

Salvo autorizzazioni dell'ENAC e, sempre che i pertinenti regolamenti operativi non richiedano minime superiori, l'utilizzo degli idroscali marini è limitato:

- a) alle ore diurne;
- b) alle operazioni condotte secondo le regole del volo a vista (VFR);
- c) con ceiling non inferiore a 450 metri;
- d) con visibilità al suolo non inferiore a 5 Km.

In assenza di servizio di Dogana e Polizia di frontiera le operazioni sono limitate ai soli voli Schengen., mentre il presenza del servizio di Polizia di frontiera, ma in assenza del servizio di Dogana, le operazioni sono limitate ai soli voli intracomunitari.

In merito allo Spazio Aereo e di Navigazione Area l'art. 12 del Regolamento in oggetto stabilisce :

- 1. A meno di autorizzazione dell'ENAC, l'Idroscalo Marino è posto all'interno di una ATZ non controllata, istituita a protezione dell'area di corsa e dei relativi circuiti di traffico.*
- 2. L'istituzione di un idroscalo all'interno di una zona controllata è subordinata alla compatibilità con il traffico dell'area ed è soggetta alla valutazione da parte dell'ENAC, sentito il parere dell'ANSP.*
- 3. L'ENAC può stabilire l'obbligo di istituire servizi di traffico aereo (ATS) in relazione al traffico previsto.*
- 4. Nel caso di assenza di un servizio ATS designato per l'ATZ dell'idroscalo, l'ente ATS dell'aeroporto più vicino rilancia eventuali informazioni rilevanti ai fini della navigazione aerea originate dal gestore dell'idroscalo.*
- 5. Le informazioni meteorologiche e quelle relative allo stato del mare da fornire vengono stabilite dal gestore in funzione:
 - a) del luogo di ubicazione dell'Idroscalo Marino;*
 - b) dell'aeromobile critico che vi può operare.**

La gestione degli Idroscali Marini

Il gestore dell'idroscalo è responsabile della rispondenza ai requisiti del presente regolamento, dell'agibilità in condizioni di sicurezza e dell'efficienza delle attrezzature installate.

L'organizzazione del gestore definisce le responsabilità per il corretto svolgimento delle operazioni, per la gestione delle emergenze e il presidio per il primo intervento di soccorso e antincendio, e per la gestione degli aspetti

tecnicì. Le responsabilità dei singoli ambiti possono essere cumulate in relazione alla portata delle operazioni.

Il gestore provvede (Art. 10) all'immediata sospensione delle operazioni al verificarsi di ogni evento che comprometta o faccia venir meno le condizioni di sicurezza dell'Idroscalo.

Il medesimo gestore provvede alle seguenti registrazioni, per ogni volo:

- a) tipo e marche dell'aeromobile;
- b) località ed orari di partenza ed arrivo;
- c) nominativo del pilota responsabile e numero dei passeggeri.

Le registrazioni sono conservate per almeno 3 anni, a sua cura, e rese disponibili durante gli audit e/o ispezioni dell'ENAC, o su richiesta dell'ANSV o della Autorità Giudiziaria.

Il gestore deve proteggere le registrazioni da furti, danneggiamenti, incendi ed allagamenti e produce i dati da pubblicare nell'AIP, ai sensi del regolamento ENAC "Servizio di informazioni aeronautiche". Egli deve altresì comunicare tempestivamente all'ENAC la presenza di nuovi ostacoli fissi che possano avere un impatto negativo sulla conduzione in sicurezza delle operazioni di volo ed assicurare il presidio dell'Idroscalo Marino durante: l'orario di apertura; la presenza durante le operazioni di un responsabile delle operazioni; la gestione delle emergenze ed il presidio per il primo intervento di soccorso e antincendio.

Ogni qual volta sia necessario il gestore deve garantire l'accesso alla documentazione tecnica ed alle infrastrutture dell'Idroscalo al personale dell'ENAC.

L'art. 16 indica le "Comunicazioni del gestore" di cui è obbligato il gestore dell'Idroscalo Marino, che deve comunicare all'ente ATS competente ed alle

autorità marittime, le condizioni e gli eventi di qualunque natura che richiedono l’emissione degli avvisi alla navigazione.

Al verificarsi della sospensione delle operazioni per motivi di sicurezza, il gestore comunica tempestivamente all’ente ATS ed all’ENAC le informazioni del caso. Si rammenta al riguardo che i servizi di traffico aereo (Air Traffic Services), o ATS, sono servizi erogati al traffico aereo da un fornitore di servizi di navigazione aerea o ANSP (Air Navigation Service Provider) per la sicurezza e la regolarità del traffico aereo.

Il “Presidio per il primo intervento di soccorso e antincendio” è disciplinato dall’art. 17 e prevede che sia il gestore a dover preparare un piano di gestione delle emergenze e predisporre un presidio per il primo intervento di soccorso e antincendio, con l’obiettivo di mantenere elevate le possibilità di sopravvivenza degli occupanti dell’idrovolante in caso di incidente o di intervento per un inconveniente tecnico sulla superficie.

Per la predisposizione del presidio ed in funzione del volume di traffico, deve essere disponibile almeno una imbarcazione di salvataggio che consenta il recupero degli occupanti dell’idrovolante oppure il lancio di un sufficiente numero di dispositivi galleggianti. Il numero dei membri dell’equipaggio e le dotazioni di sicurezza che devono essere presenti a bordo della imbarcazione di salvataggio vengono stabiliti sulla base di un risk assessment effettuato dal gestore, tenuto conto dell’aeromobile critico operativo. Le dotazioni di sicurezza devono includere almeno un estintore, adeguato a sopprimere focolai di incendio.

Il piano di gestione delle emergenze e il presidio per il primo intervento di soccorso e antincendio è soggetto ad approvazione dell’ENAC.

Il presidio per il primo intervento di soccorso e antincendio deve essere disponibile con almeno 15 minuti di anticipo rispetto agli orari dei voli pubblicati ed in caso di voli senza orario pubblicato, il presidio per il primo intervento di soccorso e antincendio deve essere disponibile prima della messa in moto del primo idrovolante, o prima dell'inizio della fase di avvicinamento del primo idrovolante in arrivo.

Il presidio per il primo intervento di soccorso e antincendio deve essere disponibile sino all'ormeggio dell'ultimo idrovolante in arrivo, e fino a 15 minuti dopo l'ultimo idrovolante in partenza.

Il personale preposto al presidio per il primo intervento di soccorso e antincendio deve ricevere un adeguato addestramento e corsi di aggiornamento periodici.

Le procedure di emergenza devono assicurare:

- a) l'avvio dell'emergenza in 2 minuti;
- b) il raggiungimento di qualsiasi punto dell'idroscalo in un tempo totale non eccedente i 10 minuti.

Deve essere sempre disponibile un apparato ricetrasmettente nautico, e un apparato sonoro per le comunicazioni o segnalazioni di emergenza ai natanti o imbarcazioni, presenti nel raccordo di manovra o nell'area di corsa e nel caso in cui natanti o imbarcazioni non rispondano alle segnalazioni, il responsabile delle emergenze deve contattare tempestivamente la capitaneria di porto.

Spetta invece al comandante dell'idrovolante ogni obbligo in merito alla conduzione dell'aeromobile, tra cui ogni fase tra la messa in moto, decollo, crociera ed atterraggio o ammaraggio. Tra le sue dirette responsabilità rientrano anche quelle in merito alla fase di avvicinamento, possibile solo dopo aver

accertato la disponibilità del presidio per il primo intervento di soccorso e antincendio.

Per le operazioni sull'acqua il Comandante si attiene a quanto stabilito:

- a) da SERA.3230;
- b) dal Codice Della Navigazione.

Il comandante dell'aeromobile si conforma in ogni istante alle ordinanze marittime locali e agli ordini della capitaneria di porto e/o del comandante del porto locale.

All'interno del raccordo di manovra (fino a 200 metri dalla costa) l'aeromobile deve essere condotto mantenendo una velocità non superiore alla velocità minima di manovra, salvo autorizzazione della locale autorità marittima.

Nel raccordo di manovra il comandante dell'aeromobile deve prestare attenzione anche alla possibile presenza di sub o bagnanti.

Il comandante dell'aeromobile valuta la presenza di ostacoli fissi e mobili, le condizioni di vento sull'area di corsa e lo stato della superficie acquatica prima dell'inizio del decollo o dell'ammaraggio ed inizia il decollo o l'ammaraggio sotto la sua responsabilità, solo quando è convinto dell'idoneità della sicurezza delle condizioni presenti.

Il comandante pianifica ed esegue le manovre di auto separazione di cui ai punti successivi con un margine di sicurezza che tenga conto:

- a) delle dimensioni e velocità relativa dell'ostacolo mobile;
- b) delle prestazioni dell'aeromobile con motore critico in operativo;
- c) di una improvvisa avaria ai sistemi propulsivi dell'ostacolo mobile;
- d) degli effetti della scia sull'acqua prodotta dall'ostacolo mobile.

Il comandante mantiene l'autoseparazione da tutti gli ostacoli fissi e mobili sia sul piano orizzontale che verticale, durante le fasi di decollo o ammaraggio.

L'auto separazione minima orizzontale e verticale da mantenere è quella prevista dal Regolamento (UE) n. 965/2012, Chapter 2, per l'applicabile parte sottostante.

Per le operazioni diverse dal traffico commerciale l'autoseparazione minima da mantenere è di 100 metri in orizzontale e 150 ft in verticale dal punto più alto degli ostacoli.

Nel caso in cui gli ostacoli mobili siano costituiti da mezzi marittimi veloci, o comunque plananti, o di grosso dislocamento, il comandante dell'aeromobile si autosepara anche in termini di tempo di passaggio al punto di intersezione, tenendo conto anche degli effetti della scia prodotta dall'ostacolo mobile.

Per il decollo e l'ammaraggio il comandante dell'aeromobile:

- a) tiene conto degli effetti delle condizioni del mare sugli spazi necessari alle manovre;
- b) considera le prestazioni dell'aeromobile nel caso di avaria al motore critico;
- c) stabilisce il momento per iniziare il decollo o l'ammaraggio e la direzione effettiva da seguire sulla base della direzione ed intensità del vento, del moto ondoso e degli ostacoli mobili;
- d) esegue le manovre in maniera da massimizzare la distanza effettiva dalla costa o da altri ostacoli fissi o mobili.

In aggiunta a quanto sopra, quando l'area di corsa è posta in mare aperto, il comandante:

- a) effettua i circuiti di traffico interamente sul mare, mantenendosi ad almeno 200 metri di distanza dalla costa;

- b) qualora effettui il decollo verso terra, inizia la manovra a partire da una distanza dalla costa tale che consenta, una volta decollato, di virare verso il mare mantenendosi sempre ad almeno 200 metri di distanza dalla costa fino al raggiungimento di una quota non inferiore a 1000ft.;
- c) qualora effettui l'amaraggio verso terra, inizia la manovra a partire da una distanza dalla costa tale che consenta un'eventuale riattaccata ed una successiva virata verso il mare, mantenendosi sempre ad almeno 200 metri di distanza dalla costa, fino al raggiungimento di una quota non inferiore a 1000 ft.

Altre caratteristiche e funzionamento dell'idroscalo marino

Il Regolamento ENAC 2016 definisce altresì (Art. 12) le Caratteristiche e funzionamento dell'Idroscalo Marino che è costituito dalle infrastrutture a terra, dall'eventuale area di movimentazione a terra, e dall'area delle operazioni, quest'ultima è composta dalla zona di ormeggio, dal raccordo di manovra e dall'area di corsa.

La norma prevede la determinazione del punto di riferimento dell'Idroscalo Marino (ARP) è costituito dal baricentro geometrico dell'area di corsa.

L'area delle operazioni può non essere riservata all'utilizzo esclusivo degli idrovoltanti. In tal caso l'ENAC valuta le decisioni delle autorità marittime relative alle aree come indicato al punto 3.d) dell'art. 9 del Regolamento medesimo: (3) ... *la copia della domanda per l'ENAC deve contenere i seguenti allegati: ... (d) (se applicabile) richiesta alle autorità marittime per l'istituzione delle seguenti due aree a traffico regolamentato:*

- area 1: raccordo di manovra;
- area 2: area di corsa (sia per la navigazione che per la pesca).

La coesistenza e la gestione del traffico degli aeromobili con quello marittimo sull'area delle operazioni avviene in accordo del Regolamento (UE) n. 923/2012, secondo quanto previsto nel paragrafo SERA.3230, nonché dal Codice della Navigazione e fuori dai casi di applicazione del paragrafo SERA.3230, gli idrovolanti utilizzano l'area delle operazioni nel rispetto della convenzione di Londra e del Regolamento del 1972 per la prevenzione degli abbordaggi in mare.

Se l'area delle operazioni si trova all'interno di porti e canali, si applica anche l'articolo 62 (movimento delle navi nel porto), Parte prima, Libro primo, del Codice della Navigazione che stabilisce che “*Il comandante del porto regola e vigila, secondo le disposizioni del regolamento, l'entrata e l'uscita, il movimento, gli ancoraggi e gli ormeggi delle navi, l'ammarramento, lo stazionamento e il movimento degli idrovolanti nelle acque del porto.*”

La zona di ormeggio è costituita da un'area disponibile per la sosta degli idrovolanti, e può trovarsi anche all'interno di porti e canali.

Il raccordo di manovra è costituito da un'area che collega l'area di ormeggio all'area di corsa ed i suoi limiti devono essere identificabili a vista con boe o, se non è praticabile, facendo riferimento a punti cospicui o strutture a terra.

Le regole di traffico e le priorità al transito agli idrovolanti nel raccordo sono stabilite degli enti marittimi competenti localmente, in accordo all'articolo 62 del Codice della Navigazione, intitolato “Movimento delle navi nel porto”.

Tra le varie disposizioni tale norma afferma che il comandante del porto è tenuto a regolare e vigilare, l'entrata e l'uscita, il movimento, gli ancoraggi e gli ormeggi delle navi, l'ammarramento, lo stazionamento e il movimento degli idrovolanti nelle acque del porto.

L'area di corsa può trovarsi all'interno di una diga foranea oppure in mare aperto, e nessun punto di essa può trovarsi in zone di balneazione e l'estensione ed il posizionamento dell'area di corsa vengono determinati (e riportati sul Manuale dell'Idroscalo Marino) tenendo conto:

- a) degli ostacoli;
- b) delle prestazioni dell'idrovolante critico indicato nel Manuale dell'Idroscalo Marino, in condizioni di motore critico in operativo;
- c) delle condizioni meteo prevalenti e della direzione dei venti;
- d) dello spazio necessario per un decollo o ammaraggio con eventuale riattaccata.

Salvo che l'ENAC in merito non approvi apposite superfici di limitazione ostacoli, si indica quanto segue:

- i circuiti di traffico devono essere effettuati interamente sul mare;
- in decollo, oppure a seguito di una riattaccata, l'aeromobile deve restare comunque sul mare fino al raggiungimento di una quota non inferiore a 1000 ft.

L'idroscalo marino è aperto anche agli idrovolanti non complessi, ed al traffico non commerciale secondo quanto specificato nel Manuale dell'Idroscalo Marino.

In merito alle Superfici di limitazione ostacoli (Art. 13), salvo specifiche necessità dipendenti dal luogo di ubicazione dell'Idroscalo Marino, non sono previste superfici di limitazione ostacoli per gli idroscali marini, mentre la presenza di ostacoli mobili nell'area di corsa viene gestita dal comandante dell'aeromobile in regime di auto-separazione (Art. 14)

L'identificazione ai fini aeronautici (Art. 15) dei limiti delle aree acquisite dell'Idroscalo Marino viene fatta tramite la pubblicazione della cartografia

nell'AIP Italia ed i limiti delle aree acquatiche devono essere riconoscibili con boe oppure, ove non praticabile, in maniera visiva facendo riferimento a punti conspicui o riferimenti geometrici a caratteristiche geografiche a terra, salvo diversa prescrizione della capitaneria di porto competente.

La riconoscibilità dei limiti delle aree acquatiche deve essere adeguata alle necessità degli aeromobili in volo e la posizione e la riconoscibilità dei limiti delle aree acquatiche deve essere compatibile con le esigenze e le prescrizioni per il traffico marittimo, in modo da favorire anche tutti i dati necessari ad individuare, diffondere e pubblicare la posizione ed i limiti delle aree acquatiche deve rispondere anche alle prescrizioni stabilite dalle autorità marittime e se la profondità dell'acqua lo permette ragionevolmente.

Nel caso in cui il raccordo di manovra e l'area di corsa si trovano all'interno della diga foranea, il perimetro dell'area di corsa può essere indicato anche da segnali con colori a forte contrasto, identificabili in volo ad un'altezza di 1000 ft o da segnali IALA, salvo diversa prescrizione della capitaneria di porto competente.

In funzione del luogo ove è ubicato l'Idroscalo Marino, delle condizioni meteo prevalenti, del tipo e del volume delle operazioni, dell'aeromobile critico, e del traffico marittimo nella zona, l'ENAC, sentito il parere delle autorità marittime, prescrive l'installazione dei seguenti dispositivi, per quanto ritenuto necessario:

- a) segnali con colori a forte contrasto, per l'identificazione delle aree;
- b) dispositivi che consentano al pilota di determinare visivamente la direzione del vento e di stimarne l'intensità;
- c) quadrato segnali.

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I predetti dispositivi devono essere identificabili in volo da una quota non inferiore a 1000 ft.

Città di Gallipoli - Cod. Amm. c_d883 - Prot. n. 0058116 del 20/09/2022 13:25 - ARRIVO

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8. DISCIPLINA ANTINCENDIO NEI REGOLAMENTI ENAC

La disciplina antincendio viene di sovente regolamentata dall'ENAC nei settori di sua competenza.

Tra le varie regolamentazioni merita di essere indicata la Circolare ENAC *“Disciplina generale della protezione antincendio per gli Aeroporti di aviazione generale e le Aviosuperfici”* (Edizione n° 1 approvata con disposizione d'urgenza del Direttore Generale n. 9/DG del 2 febbraio 2011), laddove considera come l'art. 690 - terzo comma - del nuovo Codice della Navigazione (D. Lgs. n. 96 del 09/05/2005 e ss.mm.ii.), in tema di recepimento degli Annessi ICAO, prevede che ENAC determini, in via amministrativa anche mediante l'emanazione di regolamenti, le condizioni di applicabilità, attuazione e regolarità dei servizi antincendio in ambito aeroportuale, ferme restando le competenze di regolamentazione tecnica attribuite al Corpo Nazionale dei Vigili del Fuoco, come definite dall'art. 26 del D. Lgs n. 139/2006 “Riassetto delle disposizioni relative alle funzioni ed ai compiti del C.N.VV.F., a norma dell'art. 11 della L. 29/7/2003 n. 229”.

Il D.M. 01/02/2006 “Norme di attuazione della legge 21/04/68 n. 518, concernente la liberalizzazione delle aree di atterraggio”, introduce per le aviosuperfici, in luogo del servizio antincendio, il concetto di primo intervento ad opera di personale abilitato e per mezzo di idonee dotazioni commisurate alla tipologia di aeromobili operanti. In particolare l'art. 25 del predetto D.M. attribuisce all'ENAC l'aggiornamento delle disposizioni inerenti tali misure.

Nell'ambito dell'attività di recepimento della normativa ICAO e di completamento della regolamentazione di competenza ENAC in materia di

servizi antincendio aeroportuali, l'Ente ha ravvisato la necessità di disciplinare la tematica della protezione antincendio anche per gli aeroporti di aviazione generale. Tale necessità è stata condivisa nell'ambito del Tavolo istituzionale ENAC – Dipartimento dei Vigili del Fuoco, costituito in ragione della complessa articolazione dell'assetto normativo in materia di servizi antincendio, ai fini di una armonica regolamentazione delle questioni di comune interesse.

Il Tavolo istituzionale ha preso in considerazione che la tipologia di traffico sugli aeroporti di aviazione generale presenta, per impiego e per classe di aeromobili (riferibile di norma alle categorie antincendio 1 e 2), ampie e significative similarità con quella operante sulle avio superfici.

Dalle analisi degli avvenimenti occorsi negli ultimi anni è stato constatato che gli incidenti nell'ambito dell'aviazione generale interessano in misura marginale il sedime aeroportuale e comunque presentano caratteristiche tali da richiedere modalità di soccorso notevolmente diverse rispetto a quelle necessarie per l'aviazione commerciale.

L'ENAC ha così previsto la rideterminazione del livello di protezione per il soccorso e la lotta antincendio negli aeroporti di aviazione generale, prevedendo, in sostituzione del servizio di soccorso e lotta antincendio, l'istituzione di un presidio di primo intervento di soccorso e lotta antincendio, anche nell'ottica di una semplificazione della disciplina della materia.

Pertanto, prendendo in considerazione il DM del 01/02/2006 sopra citato, il Regolamento disciplina i seguenti livelli di protezione:

- per gli aeroporti di aviazione generale ai quali non si applica, per esplicita disposizione, il "Regolamento per la Costruzione e l'Esercizio degli Aeroporti" di ENAC e che pertanto non sono certificati;

- per le aviosuperfici di cui agli artt. 22 e 23 del D.M. 01/02/2006.

In relazione alle potenzialità ed alla ampia operatività consentita sugli aeroporti di aviazione generale, il livello di protezione minimo deve comunque essere fornito con continuità nel periodo di apertura, indipendentemente dal tipo di attività che su di essi si svolge; sulle aviosuperfici, diversamente, il primo intervento è richiesto nel corso delle operazioni di cui agli artt. 22 e 23 del D.M. 01/02/2006.

L'applicabilità (Art. 1) è indirizzata agli aeroporti di aviazione generale e le aviosuperfici di cui agli artt. 22 e 23 del D.M. 01/02/2006 devono essere dotati di un presidio per il primo intervento di soccorso ed antincendio, finalizzato ad assicurare un adeguato livello di protezione.

In merito al livello di protezione (Art. 2) viene stabilito che Sugli aeroporti e sulle aviosuperfici di cui al precedente e citato articolo 1, *il presidio per il primo intervento è costituito da dotazioni di mezzi, agenti estinguenti, equipaggiamenti ed attrezzature nonché da un organico minimo conformi a quanto previsto nella regolamentazione emanata dal Corpo Nazionale dei Vigili del fuoco*. Inoltre sulle aviosuperfici il primo intervento è richiesto nel corso delle operazioni di cui agli artt. 22 e 23 del D.M. 01/02/2006.

L'art. 3 pone specifiche responsabilità per la costituzione ed il mantenimento del presidio di primo intervento, dove il gestore, o altro soggetto autorizzato da ENAC, *è responsabile del primo intervento di soccorso e antincendio ed assicura, a proprie cure e spese, la costituzione del presidio e l'ottenimento delle relative abilitazioni da parte dei Vigili del Fuoco*.

Il Responsabile del primo intervento deve anche garantire la continua rispondenza ai requisiti del presente Regolamento ed in particolare assicurare il

mantenimento sia della validità delle abilitazioni del personale operativo sia della efficienza di mezzi ed attrezzature da impiegare per l'intervento, mediante uno specifico programma manutentivo.

La sorveglianza dei propri programmi ispettivi (Art. 5) su base ordinaria o straordinaria, viene esercitata dall'ENAC che verifica la rispondenza ai requisiti del presente Regolamento.

Tra le disposizioni transitorie si segnala infine come nelle more della definizione delle dotazioni di cui al citato Articolo 2 (2.1), *gli aeroporti e le aviosuperfici possono operare sulla base delle dotazioni di mezzi ed equipaggiamenti già in essere.*

Sempre in tema di sicurezza, nel perdurare degli effetti della pandemia si segnala anche la recente adozione del Regolamento di Esecuzione UE 2021/255 della Commissione del 18 febbraio 2021 recante modifica del regolamento di esecuzione (UE) 2015/1998 che stabilisce disposizioni particolareggiate per l'attuazione delle norme fondamentali comuni sulla sicurezza aerea in merito al trasporto merci anche soggette ad esplosioni.

La norma regolamentare estende gli effetti temporali regolamento di esecuzione (UE) 2015/1998 per l'applicabilità del processo alternativo e accelerato per le convalide ai fini della sicurezza aerea UE degli operatori della catena logistica in entrata dell'Unione colpiti dalla pandemia di COVID-19, garantendo un concetto strategico internazionale delle informazioni anticipate sul carico prima dell'imbarco (PLACI), nel quadro di norme SAFE dell'OMD (SAFE FoS).

La circolare evidenzia che i dati relativi alle spedizioni, forniti alle autorità di regolamentazione da spedizionieri, vettori aerei, operatori postali, integratori,

agenti regolamentati o altri soggetti il più presto possibile prima che le merci siano caricate su un aeromobile nell'ultimo punto di partenza, consentono un livello di sicurezza supplementare che consiste nello svolgimento, da parte delle autorità doganali di entrata, di un'analisi delle minacce e dei rischi prima della partenza.

Ai fini della sicurezza dell'aviazione civile è pertanto opportuno effettuare, il più presto possibile, prima che le merci siano caricate sull'aeromobile in partenza da un paese terzo, una prima analisi dei rischi sulle merci che devono essere introdotte nel territorio doganale dell'Unione per via aerea non appena ricevuto l'insieme minimo di dati della dichiarazione sommaria di entrata, così confermando l'adozione dell'obbligo di effettuare una prima analisi dei rischi.

L'articolo 186 del regolamento di esecuzione (UE) 2015/2447 della Commissione (5) stabilisce il processo relativo all'analisi dei rischi e ai controlli effettuati dall'ufficio doganale di prima entrata, mentre l'articolo 182 del medesimo regolamento stabilisce il sistema di controllo delle importazioni , anche in omaggio al Regolamento di esecuzione (UE) 2015/1998 della Commissione, del 5 novembre 2015, che stabilisce disposizioni particolareggiate per l'attuazione delle norme fondamentali comuni sulla sicurezza aerea.

La circolare menziona anche come la pandemia di COVID -19 ha causato gravi ripercussioni sulla capacità degli aeroporti dell'Unione di completare il processo di installazione di sistemi per il rilevamento di esplosivi (EDS) di standard 3.

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La Commissione e gli Stati membri confermano un forte impegno a completare la messa in opera della più recente tecnologia per il controllo del bagaglio da stiva.

9. NOMRE LOCALI PARTICOLARI INERENTI LA REALIZZAZIONE DEL PROGETTO SWAN

Resoconto di attività aviomarittime espletate nelle location pugliesi.

Tra le varie e specifiche criticità affrontate e da affrontare, particolare attenzione merita la questione dell'inquinamento acustico ed impatto ambientale, temi questi in parte da analizzare soprattutto attraverso l'espletamento di "prove rumore" ad hoc, anche in virtù dell'ottenimento della certificazione ad operare come gestore aereo per idrovolanti, di competenza ENAC, ENAV ed interessamento del Ministero Infrastrutture e delle Mobilità Sostenibili.

Tali specifiche, unitamente a particolari vincoli di sorvolo eccetera, sono state in effetti già evidenziate anche dal partner tecnico che ha provveduto all'espletamento dei "fly test" presso varie location dei partner pugliesi. In particolare si è potuto appurare come in:

- Taranto, si rendono necessarie le autorizzazioni al sorvolo (ENAC, ENAV, Direzione Aeroportuale) dello spazio aereo proibito denominato "P 27". Parimenti le operazioni di ammaraggio ed involo sono state organizzate con i competenti uffici della Marina Militare, Comando Marina Sud Taranto e Capitaneria di Porto di Taranto;
- Nardò, si sono registrate le attività di "Fly Test" con l'interessamento dell'Ente Nazionale Aviazione Civile per le procedure di certificazione permanente per l'idrobase e l'idrosuperficie.

Tali attività sono state accompagnate anche dalle richieste di autorizzazioni e concessioni inoltrate alle competenti Autorità nazionali e locali, così come

indicato nel presente studio giuridico, da parte dei preposti Enti pubblici, già partner di progetto.

Spazio aereo regolamentato di Gallipoli

In merito alle attività di navigazione aerea nel dipartimento di Gallipoli, si segnala l’attività autorizzatoria inerente l’ottenimento dei permessi di sorvolo, entrata ed uscita dallo spazio aereo regolamentato “R60”, con eventuale coordinamento di tutte le operazioni di volo ed ammaraggio con la preposta Capitaneria di Porto di Gallipoli.

Come già avanzato dal partner tecnico di progetto, i report dei fly test, oltre ad essere classificati nel progetto S.W.A.N., prevedono sempre l’invio ad ENAC ed al Ministero delle Infrastrutture e Mobilità Sostenibili per la pubblicazione dei nuovi siti di approdo per idrovolanti, con un NOTAV permanente a tutte le capitanerie d’Italia, con competenza per la divulgazione anche del Comando Generale e preposte Capitanerie di Porto.

**10. ALCUNE ORDINANZE DELLA CAPITANERIA
DI PORTO DI GALLIPOLI**

Precedentemente all'avvio dei W.P. inerenti il progetto SWAN, si registrano varie attività di idrovolo nelle aree e territori appartenenti alla giurisdizione e competenza dei partner Pugliesi, che per completezza espositiva si evidenziano nella presente analisi giuridica, anche al fine di poter far comprendere, nello specifico, la delicatezza della materia trattata e la complessità delle attività da porre in essere, per garantire massima efficacia ed efficienza nella realizzazione delle finalità di cui alla finanziata misura comunitaria, con massima attenzione agli aspetti di *Safety* e *Security*.

Appare dunque utile, ai fini di un complessivo quadro giuridico e normativo del caso, dare atto dell'attività della preposta Capitaneria di Porto di Gallipoli, al fine di poter comprendere nel dettaglio la specifica e complessa attività non solo dettata dalla norma nazionale e regionale, ma appunto anche da quella locale, che si estrinseca attraverso atti e provvedimenti amministrativi la cui osservanza viene limitata al territorio di competenza.

A tal uopo giova ricordare che anche a prescindere da specifiche prescrizioni sulle attività degli idrovolti, la rilevanza delle norme di navigazione, dunque anche quelle contenute nei provvedimenti delle preposte Autorità Portuali, sono estensibili soprattutto all'amaraggio, decollo e flottaggio degli idrovolti, che dal momento in cui toccano una superficie aquatica o specchio d'acqua, sono considerati al pari di una imbarcazione e pertanto obbligati al rispetto delle relative regole di navigazione marittima.

Ordinanza 48/2016 Capitaneria di Porto di Gallipoli

Nell'anno 2016 la Capitaneria di Porto di Gallipoli, a fronte di espletate attività di idrovolo, ha provveduto ad una particolare regolamentazione del caso, alla quale sono seguiti anche altri atti e provvedimenti che si riportano.

Con l'emanazione con l'Ordinanza della n. 48/2016, recante "*Disciplina della navigazione nell'ambito del compartimento marittimo di Gallipoli e disciplina della sicurezza balneare nel circondario marittimo di Gallipoli*" la Capitaneria di Porto di Gallipoli disponeva alcune significative prescrizioni tese a regolamentare nel dettaglio, l'attività di idrovolo nel tratto di mare e di costa cadente sotto la propria competenza amministrativa.

Bisogna dare atto che la detta ordinanza veniva limitata nel tempo alla stagione balneare, così come individuata dalla Regione Puglia e stabiliva alcuni importanti misure nell'intero Compartimento Marittimo di Gallipoli, ossia nel tratto di costa compresa tra le località di "Punta Prosciutto" del Comune di Porto Cesareo e di "Casalabate" del Comune di Squinzano, estremi inclusi.

La disciplina è stata rivolta a II a tutte le altre tipologie di attività ed ai servizi di salvamento delle strutture balneari e delle spiagge libere (indicando specifiche "Zone di mare riservate alla balneazione") prevendo che lungo il litorale di giurisdizione del Compartimento Marittimo di Gallipoli, la zona di mare riservata alla balneazione, per 24 ore al giorno, veniva fissata in 200 metri dalle spiagge (arenili) e dalle scogliere basse (da intendersi quelle naturalmente raggiungibili ovvero dotate di apposite strutture che ne consentano un'agevole fruizione) e 100 metri, dalle scogliere a picco sul mare (da intendersi quelle dove l'utente balneare non può raggiungere la sottostante battigia a piedi in quanto raggiungibile solo dal mare).

Nella predetta zona di mare riservata alla balneazione, ad esclusione di piccoli gonfiabili (materassini, canottini), è stata così interdetta la navigazione di qualsiasi unità navale intesa quale transito, sosta, ancoraggio ed ormeggio ed i natanti a remi, jole, canoe, sandolini, pattini, mosconi, lance e simili devono navigare oltre la fascia di mare destinata alla balneazione come individuata 1, fermo restando l'obbligo di raggiungere la medesima attraverso gli appositi corridoi di lancio.

Analogamente a quanto previsto nel comma 3, windsurf, kite-surf, paracadute ed altri tipi di tavole a vela devono navigare oltre la fascia di mare destinata alla balneazione come individuata al comma 1, fermo restando l'obbligo di raggiungere la medesima attraverso gli appositi corridoi di lancio.

Dai divieti in oggetto sono stati esclusi i mezzi di soccorso e di polizia marittima, nonché i mezzi nautici impegnati nei servizi di campionamento delle acque ai fini della balneabilità, ai sensi del Decreto del Presidente della Repubblica 8 giugno 1982, n. 470 e successive modificazioni ed integrazioni.

Il limite delle zone di mare riservate alla balneazione, antistanti le aree assentite in concessione e le spiagge libere, doveva essere segnalato a cura dei concessionari delle strutture balneari e dalle Amministrazioni comunali, con gavitelli di colore rosso o arancione ancorati al fondo e posti a distanza di 25 metri l'uno dall'altro, parallelamente alla linea di costa, in corrispondenza dell'estremità del fronte balneare.

Ai gavitelli di segnalazione è stato posto divieto di ormeggio di unità nautiche anche se all'esterno della zona di mare interdetta.

L'ordinanza in oggetto, rivolgendosi sempre alla tutela della sicurezza della balneazione, indicava che le Amministrazioni comunali omettano l'apposizione

dei gavitelli di cui al precedente articolo, è stata prevista l'apposizione lungo la costa adeguata segnaletica, redatta nelle lingue italiano, inglese, francese, spagnolo e tedesco, riportante la dicitura: “ATTENZIONE – LIMITE ACQUE INTERDETTE ALLA NAVIGAZIONE NON SEGNALATO” (metri 200 dalla costa, nel caso delle spiagge/arenili e delle scogliere basse - metri 100 dalla costa, nel caso di scogliere a picco).

I Comuni interessati sono stati obbligati a provvedere ad effettuare il controllo sulla permanenza della segnaletica prevista e, se del caso, attivarsi per l'immediato ripristino della stessa.

Il divieto di navigazione all'interno della fascia di mare riservata alla balneazione resta in ogni caso in vigore, quindi anche in assenza della indicata segnaletica ed in aggiunta alla fascia di mare riservata alla balneazione, così individuata nell'ordinanza, allo scopo di garantire il primario interesse pubblico della sicurezza della balneazione e la tutela della pubblica incolumità:

Le zone di mare di seguito indicate caratterizzate, da una commistione tra attività nautiche e balneari, sono state riservate esclusivamente alla balneazione:

a) Comune di Gallipoli: zona di mare compresa tra le estremità interne dello “Scoglio del Campo” e dello “Scoglio dei Piccioni” e le perpendicolari portate dalle predette estremità verso la linea di costa della “Città Vecchia”, meglio individuata nell'Ordinanza n. 115/2015 in data 13 ottobre 2015 la cui disciplina si intende integralmente riprodotta; b) Comune di Porto Cesareo: zona di mare compresa tra lo stabilimento balneare denominato “Tabù” e l'isolotto antistante, nonché, secondo i termini fissati dall'articolo 3, comma 1, gli specchi acquei circostanti gli altri isolotti posti ad una distanza di m. 500 dalla costa; c) Comune di Ugento: tratto di mare compreso tra l'imboccatura del

porto - lato est – e la congiungente lo scoglio “La Terra” ed i successivi quattro scogli affioranti, posti a sud dello scoglio “La Terra”; tratto di mare compreso tra la costa e lo scoglio denominato “Le Pazze”.

Nelle predette zone di mare, ad esclusione di piccoli gonfiabili (materassini, canottini), è stato vietato il transito, la sosta, l’ormeggio e l’ancoraggio di qualsiasi unità navale (compresi i natanti a remi, jole, canoe, sandolini, pattini, mosconi, lance e simili, windsurf e kitesurf).

Nel medesimo periodo temporale indicato nel presente provvedimento, i bagnanti che nuotano oltre i limiti degli specchi acquei riservati alla balneazione (metri 200 dalle spiagge e scogliere basse e metri 100 dalle coste a picco), per la loro maggiore incolumità, sono stati obbligati ad avvalersi dei medesimi segnali prescritti per i subacquei, utilizzando però una sagola galleggiante di lunghezza massima non superiore ai metri 3, che sia comunque facilmente rimovibile in acqua in caso di necessità/pericolo.

In prossimità di detti segnali, le unità in transito, se propulse a vela o a motore, devono moderare la velocità e mantenersi ad una distanza non inferiore ai metri 100 dagli stessi.

Al punto 12 veniva altresì indicata l’esclusione per tutto l’anno il divieto di l’amaraggio/decollo di idrovoltanti;

- nei porti/approdi/punti d’ormeggio/darsene e strutture similari e nel raggio di metri 200 dall’imboccatura degli stessi;
- nelle zone di mare permanentemente destinate alla fonda delle navi;
- nelle zone espressamente riservate al transito navale.

Altre importanti e pertinenti prescrizioni sono state altresì esplicitate all’Art. 4 (Corridoi di lancio), laddove testualmente è dato leggere:

1. In aderenza alla disciplina emanata con l'art. 2, comma 2 dall'Ordinanza balneare della Regione Puglia datata 02 maggio 2016 ed al fine di consentire l'atterraggio e la partenza delle unità da diporto a motore, a vela, a vela con motore ausiliario e dei natanti individuati all'art. 2, comma 3 e 4 della presente ordinanza, con esclusione dei kitesurf disciplinati al successivo articolo 5, negli specchi acquei antistanti le aree in concessione e le spiagge libere, rispettivamente i concessionari per le attività turistico – ricreative di cui alle lettere c), d) dell'art. articolo 1 del D. Lgs. 400/1993 in relazione alle specifiche attività oggetto di concessione e/o titolari di qualsivoglia attività ludico – ricreativa ivi inclusi i titolari di autorizzazione all'esercizio di attività di locazione e noleggio, di immersioni guidate con supporto di unità navali ed i Comuni costieri per le esigenze di pubblico uso pianificate sono obbligati ad installare dei "corridoi di lancio" aventi le seguenti caratteristiche:
- a) larghezza non inferiore a m.10, in corrispondenza della battigia e non superiore ai m. 20 verso il largo (c.d. forma ad imbuto);
 - b) profondità equivalente alla zona di mare riservata alla balneazione;
 - c) delimitazione costituita da gavitelli di colore giallo, distanziati ad intervalli non superiori a 20 metri;
 - d) segnalazione delle imboccature al largo mediante bandierine bianche poste sui gavitelli esterni di delimitazione;
 - e) ogni gavetto dovrà riportare la dicitura "CORRIDOIO RISERVATO AI NATANTI – VIETATA LA BALNEAZIONE"; tale divieto deve essere inoltre riportato su apposito cartello sistemato sulla battigia all'ingresso del corridoio, riportante la stessa dicitura.

Altra fondamentale prescrizione è stata indicata anche nel seguente l'art 7 ad oggetto appunto “Ulteriori limitazioni alla navigazione” :

1. *Le unità a motore ed a vela, nonché gli idrovolanti ammarati, quando si trovino a distanza inferiore ai 500 m. dalle scogliere a picco e 1000 m. dalle spiagge, devono navigare con gli scafi in dislocamento e, comunque, a velocità non superiore ai 6 nodi.*
2. *Ad eccezione della navigazione finalizzata all’attraversamento da e per i corridoi di lancio e fermo restando il limite di cui al precedente comma 1, gli acquascooter, moto d’acqua e similari non possono navigare a motore ad una distanza inferiore ai metri 400 dalla costa nella fascia oraria compresa tra le ore 11.00 e le ore 13.00 e dalle ore 15.00 alle ore 17.00 di ogni giorno.*
3. *Nell’ambito del Compartimento Marittimo di Gallipoli è vietato sorvolare il litorale e gli adiacenti specchi acquei, sino a metri 500 dalla costa, con qualsiasi tipo di aeromobile o apparecchio privato e per qualsiasi scopo, a quota inferiore a metri 300 (1.000 piedi), ad eccezione dei mezzi di soccorso, militari e di polizia; per le ulteriori fattispecie relative alla disciplina del volo da diporto e/o sportivo si rimanda a quanto previsto dalla specifica normativa di settore.*

Tali indicazioni sono da tenere in debito conto per ogni ulteriore attività relativa alla fruibilità e buona esecuzione del progetto SWAN, laddove provengono dalle Autorità preposte e quindi capaci di incidere direttamente su ogni attività tecnica ed operativa.

A tal riguardo una sinergia istituzionale tra tutti i preposti enti, istituzioni ed autorità (nel caso di specie ivi compreso dunque il Comune di Gallipoli), appare indispensabile anche per poter eventualmente modificare, adattare o rinnovare,

laddove possibile, in modo coordinato e coerente, le prescrizioni regolamentari e potestative già in essere, al fine di una migliore riuscita delle finalità e fruibilità di cui al progetto SWAN.

Ordinanza n. 36 in data 26 aprile 2018 del Capo del Compartimento marittimo di Gallipoli “Disciplina della navigazione in prossimità della costa – Zone di mare interdette alla navigazione”.

Anche se afferente a divieti di balneazione, anche tale provvedimento merita di essere menzionato per finalità di esaustiva conoscenza in merito agli irrinunciabili profili di safety e security, legati alle attività di trasporto in idrovolante da effettuarsi in particolare nei territori del Comune di Gallipoli e costa circostante.

L’articolo 1 del provvedimento in parola pone “*Divieto di navigazione in prossimità della costa*” con riferimento sempre alla “stagione balneare” (la cui definizione è stata già più volte menzionata) nell’ambito del Compartimento Marittimo di Gallipoli, che si estende dal territorio compreso tra la località “Casalabate” del Comune di Squinzano alla località “Punta Prosciutto” del Comune di Porto Cesareo incluso.

In tal caso si indica come la fascia di mare sino a 200 metri dalle spiagge e/o dalle scogliere basse e 100 metri dalle coste a picco, sia stata interdetta alla navigazione a motore alle unità navali in genere, compresi i “natanti da spiaggia” (piccoli natanti comunemente denominati pedalò, jole, pattini, sandolini), nonché all’ormeggio/stazionamento ed ancoraggio delle suddette unità navali, ad eccezione di quelle appartenenti alle forze di polizia e di quelli autorizzati ad effettuare i campionamenti delle acque.

Il provvedimento prosegue con la istituzione di una Fascia di Rispetto (Art. 2) relativa all’attraversamento da parte delle unità a motore e/o vela della fascia di ulteriori metri 50 da quella innanzi detta, interdetta alla navigazione (200 metri dalle spiagge e/o dalle scogliere basse e 100 metri dalle coste a picco), con possibilità di percorrenza solo a lento moto, con rotta perpendicolare, solo se finalizzato a raggiungere la costa.

L’Articolo 3 passa in rassegna i “Corridoi di lancio/atterraggio” stabilendo che l’attraversamento delle unità a motore e/o a vela (compresi i piccoli natanti da spiaggia sopra richiamati) nella fascia di mare in oggetto è consentito esclusivamente all’interno degli appositi corridoi di lancio/atterraggio, preventivamente autorizzati, con andatura ridotta al minimo e velocità non superiore ai 3 (tre) nodi, mentre il limite di velocità in prossimità della zona riservata alla balneazione.

Fermi restando i divieti di navigazione sopra indicati, le unità navali a motore che navigano nella fascia di mare compresa tra i 200 mt. (per le spiagge e scogliere basse) ed i 100 metri (per le scogliere a picco) ed i 1000 (mille) metri dalla costa, devono tenere una velocità non superiore a 10 (dieci) nodi e, comunque, devono navigare con lo scafo in dislocamento.

Capitaneria di Porto Gallipoli Ordinanza N. 61/2022 del 15/05/2022 che abroga e sostituisce l’Ordinanza n. 28/2021 datata 11 maggio 2021

La Legge regionale Puglia n. 17/2015 del 10.04.2015, stabilisce tutta una serie di parametri generali sulla Disciplina della tutela e dell’uso delle coste pugliesi, tra cui appunto quelle ove insistono i territori interessati dal progetto SWAN di Nardò, Gallipoli e Taranto.

In tal senso l'Ordinanza n. 61/2022, resa in data 11/05/2022 dalla Capitaneria di Porto di Gallipoli – Ministero Infrastrutture e dei Trasporti, in linea con la normativa regionale, indica come i litorali del Circondario Marittimo di Gallipoli siano costituiti in parte da coste basse sabbiose, con zone di mare prospicienti con fondali di limitata profondità, ed in parte da coste con scogliera bassa ed alta, con zone di mare prospicienti con fondali rocciosi di media ed elevata profondità. Tali caratteristiche hanno dunque imposto come necessario ed opportuno, dettare disposizioni particolari per rendere più sicura la balneazione e le altre attività connesse con l'uso del mare.

La Capitaneria di Porto ha ravvisato quindi l'opportunità di disciplinare gli aspetti relativi alla sicurezza della navigazione e dei bagnanti, in quanto direttamente connessi all'utilizzazione del demanio marittimo lungo il litorale del Circondario Marittimo di Gallipoli (che comprende il territorio costiero compreso tra la località “Punta Prosciutto” del Comune di Porto Cesareo ed il Comune di Diso estremi inclusi) ed ha ritenuto opportuno modificare le vigenti norme in materia di sicurezza delle attività balneari, proprio al fine di *adeguarle a talune esigenze emerse nel corso delle precedenti stagioni oltre che scaturenti dall'esperienza specifica nel settore.*

La necessità di tale aggiornamento nasce dunque per garantire la più sicura balneazione, *al fine di garantire lo svolgimento, in condizioni di sicurezza, delle molteplici attività che durante la stagione estiva si espletano in prossimità delle coste, coordinando ed armonizzando la disciplina del diporto nautico e le altre attività marittime, nonché emanando direttive particolari per i servizi di salvamento.*

Tale modifica ha tenuto conto: della Circolare n. 120 Serie I Titolo Demanio Marittimo prot. n.DEM2A – 1268 data 24.05.2001 dello stesso Ministero, avente per oggetto la delega di funzioni amministrative conferite alle Regioni; la Circolare n.82/022468/I in data 03.04.2002 a firma congiunta del Ministero delle Infrastrutture e dei Trasporti - Direzione Generale per le Infrastrutture della Navigazione Marittima ed Interna e del Comando Generale del Corpo delle Capitanerie di Porto; la nota n. 34660 in data 07.04.2006 del Comando Generale del Corpo delle Capitanerie di Porto “Ordinanza Balneare – Riparto delle competenze tra le Autorità marittime e gli Enti territoriali locali in materia di disciplina delle attività balneari - Prescrizioni concernenti la regolamentazione degli aspetti di sicurezza e del servizio di salvamento”; l’Ordinanza n. 36 in data 26.04.2018 avente ad oggetto: “Disciplina della navigazione in prossimità della costa – Zone di mare interdette alla navigazione”, con la quale il Capo del Compartimento Marittimo, in ossequio alle disposizioni di cui all’art. 8 della Legge 08.07.2003, n. 172, e succ.mod. e integrazioni disciplina i limiti di navigazione nell’ambito della giurisdizione del Compartimento Marittimo di Gallipoli, che comprende i litorali tra la località “Casalabate” del Comune di Squinzano e la località “Punta Prosciutto” del Comune di Porto Cesareo; il Dispaccio n.02.01/13413 in data 08.02.2007 del Comando Generale del Corpo delle Capitanerie di Porto avente per argomento “compatibilità tra attività nautiche: disciplina”; la propria Ordinanza n. 42 in data 18.05.2017 con la quale viene approvato il “Regolamento sulla Disciplina del Diporto Nautico nell’ambito del Circondario Marittimo di Gallipoli”.

Tali specifiche disposizioni sono state altresì armonizzate con l’Ordinanza datata 26.04.2022 della Regione Puglia, emanata con Atto Dirigenziale n. 294

del 26.04.2022, per disciplinare l'uso del demanio marittimo e degli specchi acquei adibiti ad uso balneare, nonché delle strutture turistico-ricreative esistenti lungo il litorale pugliese; Legge 25.03.1985, n. 106 (Disciplina del volo da diporto o sportivo) ed il D.P.R. 09.07.2010, n. 133 (Nuovo regolamento di attuazione della L. 25.03.1985 n.106) nonché l'Ordinanza Regione Puglia del 26.04.2022, emanata con Atto Dirigenziale n. 294 del 26.04.2022, per disciplinare l'uso del demanio marittimo e degli specchi acquei adibiti ad uso balneare, nonché delle strutture turistico-ricreative esistenti lungo il litorale pugliese; gli articoli 17, 30, 81 del Codice della Navigazione e gli articoli 59 e 524 del relativo Regolamento di esecuzione - Parte marittima; il D.L. n. 24/2022 del 24 marzo 2022 recante “Disposizioni urgenti per il superamento delle misure di contrasto alla diffusione dell’epidemia da OVID-19, in conseguenza della cessazione dello stato di emergenza”; gli articoli 17, 30, 81 del Codice della Navigazione e gli articoli 59 e 524 del relativo Regolamento di esecuzione - Parte marittima; il Decreto Legge n. 24 del 24 marzo 2022 recante “Disposizioni urgenti per il superamento delle misure di contrasto alla diffusione dell’epidemia da OVID-19, in conseguenza della cessazione dello stato di emergenza”.

In tale atto sono altresì indicate specifici aspetti di Safety e Security rilevanti anche per l’attività di idrovolo, dove particolare attenzione viene anche rivolta all’assistente bagnanti che (ad esempio) deve essere impiegato esclusivamente per il servizio di salvataggio e non può essere destinato ad altre attività, mentre è fatto obbligo ai titolari della struttura balneare, disporre del materiale di primo soccorso, pronto per l’uso, secondo quanto prescritto dalla competente Autorità

Sanitaria e/o Regionale, come specificato nell’Ordinanza Balenare 2022 della Regione Puglia in data 26 aprile 2022.

L’Ordinanza in oggetto definisce dunque le “Zone di mare riservate alla balneazione” nell’ambito *del Circondario Marittimo di Gallipoli, ancora compreso tra la località “Punta Prosciutto” del Comune di Porto Cesareo ed il Comune di Diso incluso, la zona di mare per una distanza di 200 metri dalle spiagge e/o dalle scogliere basse e 100 metri dalle coste a picco è riservata alla balneazione”*, specificando come sia la Regione Puglia a fissare i limiti temporali in cui la zona di mare suddetta è sottratta ai pubblici usi del mare.

Gli specchi acquei sono segnalati a cura dei titolari di strutture balneari o dei Comuni rivieraschi per quelli antistanti spiagge libere.

Al fine di garantire la pubblica incolumità, le zone di mare di seguito indicate caratterizzate da una commistione tra attività nautiche e balneari sono riservate esclusivamente alla balneazione:

- a) Comune di Gallipoli : zona di mare compresa tra le estremità interne dello “Scoglio del Campo” e dello “Scoglio dei Piccioni” e le perpendicolari portate dalle predette estremità verso la linea di costa della “Città Vecchia”, meglio individuata nell’Ordinanza n. 115/2015 in data 13 ottobre 2015 la cui disciplina si intende integralmente riprodotta;
- b) Comune di Porto Cesareo: zona di mare compresa tra lo stabilimento balneare denominato “Tabù” e l’isolotto antistante, nonché, secondo i termini fissati dall’articolo 3, comma 1, gli specchi acquei circostanti gli altri isolotti posti ad una distanza di m. 500 dalla costa.
- c) Comune di Ugento: tratto di mare compreso tra l’imboccatura del porto - lato est – e la congiungente lo scoglio “La Terra” ed i successivi quattro scogli

affioranti, posti a sud dello scoglio “La Terra”; • tratto di mare compreso tra la costa e lo scoglio denominato “Le Pazze”.

Nelle predette zone di mare, ad esclusione di piccoli gonfiabili (materassini, canottini) e dei natanti da spiaggia (piccoli natanti comunemente denominati pedalò, jole, pattini, sandolini, natanti a remi, canoe, mosconi, lance e simili) è vietato il transito, la sosta, l’ormeggio e l’ancoraggio di qualsiasi unità navale.

Per tutto l’anno (punto 1.5) l’amaraggio/decollo di idrovolanti è vietato:

- nei porti/approdi/punti d’ormeggio/darsene e strutture similari e nel raggio di metri 200 dall’imboccatura degli stessi;
- nelle zone di mare permanentemente destinate alla fonda delle navi;
- nelle zone espressamente riservate al transito navale.

L’ordinanza prosegue (Art. 2) nell’individuazione delle “zone di mare vietate alla balneazione”:

- nei porti;
- nel raggio di metri 150 da ostruzioni e/o moli all’imboccatura dei porti;
- all’interno dei corridoi di lancio/atterraggio;
- entro metri 100 dalle scogliere frangiflutti in costruzione o in corso di sistemazione;
- fuori dai porti in prossimità di zone di mare in cui vi siano lavori in corso ed in prossimità di pontili o passerelle di attracco delle unità adibite al trasporto passeggeri per il raggio di metri 200;
- per un raggio di metri 200 dalle navi alla fonda in rada;
- nelle foci, nei canali e corsi d’acqua comunicanti con il mare;

- in prossimità delle tubazioni e condotte di prelievo/scarico di acqua di mare opportunamente segnalate con appositi cartelli posizionati a cura del titolare delle condotte;

- in tutte le altre zone di mare permanentemente e temporaneamente interdette con apposita Ordinanza delle Autorità Comunali o di altra Autorità competente ai sensi della normativa vigente.

E' permanentemente interdetta, per tutto l'anno, la sosta e/o il transito delle persone sulle scogliere frangiflutti e/o opere similari (quali ad esempio le opere foranee) poste a difesa della costa, presenti sia parallelamente che perpendicolarmente alla linea di costa.

Sono poi indicate le segnalazioni del limite acque destinate alla balneazione e conseguentemente interdette alla navigazione, antistanti le aree assentite in concessione e le spiagge libere, deve essere segnalato, a cura dei titolari delle strutture balneari e, per le spiagge libere, dalle Amministrazioni Comunali, con appositi dispositivi.

Contestualmente si indica la "Segnalazione limite acque sicure" affidate anche il tal caso alle strutture balneari, per le aree in concessione, mentre ai Comuni rivieraschi, per le spiagge libere (Art. 11.2) viene fatto obbligo ai responsabili delle strutture balneari *di segnalare tempestivamente all'Autorità marittima competente e/o alle Forze di Polizia gli incidenti verificatisi sul demanio marittimo e negli specchi acquei*, così evidenziando l'accordo di attività importanti anche nella realizzazione del progetto SWAN

Ordinanze della Capitaneria Porto Gallipoli- Ministero delle Infrastrutture e della Mobilità Sostenibili n. 79/2022 del 03/06/2022 e n. 92/2022 del 23/06/2022 emanate per la realizzazione di idrobase nel Comune di Nardò

In occasione della realizzazione di una idrosuperficie con annesso mini terminal ed info point in località Santa Maria al Bagno, frazione del Comune di Nardò, si segnalano le Ordinanze della Capitaneria di Porto di Gallipoli n. 79/2022 del 03/06/2022 e n. 92/2022 del 23/06/2022, relative alla interdizione dello specchio acqueo per movimentazione ed installazione di corpi morti, catenarie e pontili per idrosuperficie, mediante le quali, nello specchio acqueo compreso nei punti aventi coordinate geografiche, quindi interessato alla realizzazione della infrastruttura aeromarittima:

- A) Long. 40° 07' 51.37'' N – Lat. 017° 59' 40.89'' E
- B) Long. 40° 07' 51.39'' N – Lat. 017° 59' 36.37'' E
- C) Long. 40° 07' 44.33'' N – Lat. 017° 59' 29.85'' E
- D) Long. 40° 07' 40.11'' N – Lat. 017° 59' 37.27'' E
- E) Long. 40° 07' 40.00'' N – Lat. 017° 59' 38.95'' E

per i periodi rispettivamente compresi tra il giorno 6 giugno ed il giorno 16 giugno 2022 dalle ore 08:00 e fino al termine operazioni, e nei giorni 23 e 24 giugno 2022 dalle ore 08:00 e fino al termine operazioni, sono stati avviati e poi successivamente proseguiti i lavori di varo in mare per sosta temporanea di corpi morti, catenarie e pontili , nonché il recupero con palloni aerostatici di corpi morti precedentemente affondati

A tal uopo è stato interdetto lo specchio acqueo interessato e sono stati vietati l'ancoraggio, la balneazione, la pesca, il transito, la navigazione nonché le

immersioni subacquee e qualsiasi altra attività connessa agli usi pubblici del mare per fini di natura ludico diportistica e professionale.

Dal divieto di cui al precedente comma sono stati esclusi i mezzi navali della Guardia Costiera e delle Forze di Polizia, in ragione del loro ufficio.

Inoltre è stato previsto che le unità in navigazione in prossimità dell'area d'interdizione dovevano procedere prestando particolare attenzione, valutando l'adozione di eventuali misure aggiuntive suggerite dalla buona perizia marinaresca al fine di prevenire situazioni di potenziale pericolo.

In modo particolare tutte le unità in transito sono state così obbligate a *ridurre al minimo la velocità e, altresì, prestare la massima attenzione alle segnalazioni che potrebbero essere loro rivolte.*

L'Amministrazione Comunale di Nardò, partner di progetto, ha provveduto a predisporre tutti gli accorgimenti necessari a dare pubblicità dello svolgimento dei lavori mediante affissione di apposita cartellonistica, segnaletica verticale ed ogni altra misura ritenuta idonea.

Tanto ciò per evidenziare ancora una volta, e nel dettaglio, la necessità di una costante sinergia istituzionale, volta a superare le varie e complesse fasi di realizzazione della rete di idrobasi utili alla migliore connessione sostenibile tra Italia e Grecia, che si persegue mediante il programma SWAN, finanziato dalla nostra Unione Europea.

11. ARMONIZZAZIONE NORMATIVA GRECA

Si produce come ALLEGATO 1 alla presente relazione giuridica, lo studio del quadro normativo dell'Autorità Portuale di Corfù (Del.5.1.2 – Legal Framework Study – Greece - LB - Port Authority of Corfu) reso nell'ambito della reciproca collaborazione tesa ad una migliore armonizzazione delle rispettive legislazioni e locali, inerenti il settore del trasporto aeromarittimo, così come indicato nei WP del programma SWAN, con particolare riferimento dunque alla creazione di un *Sistema di trasporto sostenibile, tesò a potenziare il trasporto marittimo, la capacità di trasporto marittimo a corto raggio e la connettività transfrontaliera attraverso l'utilizzo di idrovoltanti.*

Al riguardo segnala l'introduzione della recente legge greca tra cui la N. 4663/2020, in Gazzetta Ufficiale, del Governo 30 / A / 12-2-2020, ad oggetto il “*Istituzione, funzionamento e funzionamento di aeroporti sulle superfici d'acqua, regolamenti di trasporto e altre disposizioni*”, dove nella “Parte A” disciplina l'istituzione, il funzionamento di aeroporti sulle superfici d'acqua, con espressa previsione del "Permesso di stabilimento di corsi d'acqua", il permesso rilasciato all'interessato, in conformità con le disposizioni del presente documento, al fine di eseguire le azioni previste dalla legge per la costruzione di tutti gli impianti di navigazione necessari.

Altre indicazioni venivano mutuate dal Regolamento degli sport di velivoli (macchine volanti) ultraleggeri N. D2 / 26314/8802 (Comando Servizio Aviazione Civile – Giornale Governo della Repubblica ellenica N. 2 F. 1360 – 02709/2010 – 18355) dove non si è mancato di sottolineare come gli idrovoltanti, operino da e per le vie navigabili, approvate o via mare, in aree i cui

confini sono approvati dall'Autorità portuali, previo consenso ed indicazioni stabilite dalla competente Guardia Costiera.

Ad ogni buon conto si riportano le varie sezioni dell'elaborato greco, in particolare quelle relative all'armonizzazione normativa, che di seguito si indicano testualmente.

Sulla evoluzione del quadro giuridico greco per gli aeroporti acquatici nel corso degli anni - Quadro legislativo greco relativo al funzionamento delle vie navigabili.

In Grecia, nel 2004 è iniziato il primo programma pilota per il funzionamento di idrovoltanti nella regione ionica. Con base principalmente a Corfù, nel periodo 2004-2008, gli idrovoltanti hanno volato alle Isole Ionie, a Patrasso, Lago di Giannina, Brindisi (Italia), mentre sono stati attivi per un breve periodo nella regione dell'Egeo, poiché sono state create "vie" o "corsi d'acqua" (WATERWAY) a Ios, Patmos e Kalymnos, collegandoli con Lavrio. Il 1° intervento Legislativo per le vie navigabili è avvenuto nel 2005 con l'approvazione della Legge (L.3333) per l'abilitazione e l'esercizio delle vie navigabili.

Ai sensi di tale Legge (art. 10° comma 1 e 3) è stata emanata la Decisione Ministeriale Congiunta (K.Y.A 6814/05) che stabilisce le procedure necessarie per l'autorizzazione temporanea degli Acquedotti. Sulla base di questa decisione ministeriale congiunta 15 vie navigabili in Grecia erano state autorizzate fino ad oggi, ma che sono diventate inattive dalla chiusura degli idrovoltanti nel 2008. Nell'aprile 2013 è stata votata la legge aggiornata L.4146 / 2013 (Gazzetta governativa AI90) in Il parlamento. La Legge 4146/2013

(Gazzetta Ufficiale A 90), è stata modificata dalla 4568/18 (Gazzetta Ufficiale 178 A/18), a sua volta modificata dalla Legge 4663/20).

Il nuovo quadro istituzionale (Legge 4663/20) ora in vigore prevede:

- Semplificazione del processo di licenza
- Certificazione del personale operativo di waterfront
- Esenzione dagli ancoraggi e dalle tempistiche dei JMD
- Ripristino di un ambiente favorevole agli investimenti per pubblico e privato

Sull'Articolo 31: Disposizioni transitorie

1. *I titolari di licenze di esercizio delle vie navigabili, che sono state rilasciate dalle disposizioni della Legge 4146/2013 (A 90), entro sei (6) mesi dall'entrata in vigore della stessa, devono possedere i requisiti di cui all'articolo 3 per le infrastrutture e l'articolo 16 per gli equipaggiamenti e di presentare i necessari documenti giustificativi modificati alla Divisione Trasporto Aereo, che rilascia apposito atto di certificazione. In caso contrario tutti i voli sono sospesi.*
2. *È consentita l'installazione di capanne prefabbricate come infrastruttura dei corsi d'acqua. Per la loro installazione si segue la procedura comune di licenza e ottenimento delle approvazioni.*
3. *Per tutte le vie navigabili per le quali è stata presentata domanda e fascicolo tecnico e fino all'entrata in vigore della stessa, non sono state rilasciate le autorizzazioni definitive, su richiesta dell'ente pubblico e con il consenso del privato, purché quest'ultimo ha presentato domanda e fascicolo tecnico. La licenza di stabilimento è rilasciata in nome dell'ente pubblico e le singole omologazioni sono riemesse in nome dell'ente pubblico, mentre la licenza di esercizio è rilasciata in nome dell'ente che ha presentato domanda. In tal caso,*

per il rilascio della licenza d'esercizio in nome del soggetto, deve essere preceduta una procedura di gara, secondo le regole di aggiudicazione della Legge 4412/2016 (A 147) o della Legge 4413/2016 (A 148) o di tali disposizioni preeistenti nel caso in cui comprenda necessariamente l'esercizio di una via navigabile e non solo la locazione dello spazio.

4. Entro quindici (15) giorni dall'entrata in vigore della presente, gli Enti non Pubblici titolari di licenze di esercizio rilasciate con le precedenti disposizioni e per le quali sia preceduta una procedura di gara, secondo le regole di assegnazione della Legge 4412/ 2016 o della Legge 4413/2016 o delle presenti disposizioni preeistenti, a seconda del caso, presentano al Ministero delle Infrastrutture e dei Trasporti una dichiarazione di accettazione della conversione della licenza in licenza fondativa intestato a Ente Pubblico, cui presentano una dichiarazione di accettazione pertinente e una licenza di esercizio a nome loro. In questo caso, il permesso è convertito entro tre (3) mesi con decisione del Ministro delle Infrastrutture e dei Trasporti. In caso contrario la licenza viene revocata.

5. Con deliberazione congiunta dei Ministri delle finanze, dell'ambiente e dell'energia e delle infrastrutture e dei trasporti, per le vie navigabili realizzate nei laghi, previa approvazione delle condizioni di impatto ambientale, le aree di manovra e di movimento della via navigabile, nonché le località di le necessarie strutture galleggianti e terrestri sono determinate, a seguito di uno studio presentato dall'ente richiedente il permesso di stabilimento.

Quadro giuridico del funzionamento dei corsi d'acqua e licenze richieste

Il quadro normativo giuridico è descritto in dettaglio nella L. 4568/18 (G.U. 178 A/18). In particolare, i Waterfield sono autorizzati e operano secondo le seguenti disposizioni.

Articolo 2 Campo di applicazione

Le disposizioni della Parte A (articoli 1 - 32) si applicano a tutte le vie navigabili in cui il trasporto aereo pubblico, l'aviazione generale e le operazioni di aviazione sono svolte dallo Stato, da enti locali di primo o secondo grado, da persone giuridiche di diritto pubblico o privato, da associazioni di persone, nonché da persone fisiche.

L'esercizio dei porti marittimi richiede un'infrastruttura adeguata nelle strutture portuali e edilizie, compresi alloggi prefabbricati fissi, mobili o mobili, nonché l'attrezzatura richiesta nell'articolo 16 (articolo 3 Strutture per le vie navigabili).

La costruzione delle nuove strutture richieste per il servizio di idrovolanti, passeggeri, merci e posta deve essere conforme alle specifiche applicabili, ai regolamenti e alla legislazione vigente.

Per la progettazione degli impianti richiesti deve essere preso in considerazione il tipo di corso d'acqua, che è determinato dall'operazione e dalle attività che vi si svolgono. Per le aree in cui il passeggero deve transitare, devono essere prese in considerazione le aree di attesa prima del check-in biglietti, check-in e bagagli, le aree check-in passaporti o documenti di identità, le aree check-in sicurezza passeggeri e bagagli, nonché le aree di attesa aree di imbarco e servizi igienici.

I requisiti minimi delle strutture edilizie al fine di garantire un adeguato livello di servizio passeggeri sono definiti come segue:

- a) *Edificio o altra infrastruttura per garantire l'adeguatezza dello spazio per l'installazione e il corretto funzionamento dei dispositivi di sicurezza per il controllo dei passeggeri e dei bagagli;*
- b) *in attesa dei passeggeri, uno spazio di 1,2 mq. è obbligatorio. per passeggero servito;*
- c) *esistenza obbligatoria di servizi igienici sia per i sessi che per le persone con difficoltà motorie in funzione del numero dei passeggeri. Se questi spazi non si trovano nell'area di attesa dei passeggeri, si trovano vicino ad essa.*

Ai corsi d'acqua che sono cancelli di ingresso-uscita c'è una separazione dei passeggeri all'interno e all'esterno di Schengen, uno spazio minimo per il personale in uniforme e gli ufficiali di servizio.

Con decisione congiunta dei ministri delle Infrastrutture e dei trasporti e della politica marittima e insulare, i requisiti minimi del paragrafo 2 possono essere modificati e possono essere determinati problemi di infrastrutture, edifici e altre strutture, in aggiunta a quanto sopra, per le vie navigabili interne in un zona di mare. Con decisione del Ministro delle Infrastrutture e dei Trasporti, i requisiti minimi di cui al comma 2 possono essere modificati e possono essere determinati problemi di infrastrutture, edifici e altre strutture, in aggiunta a quanto sopra, per le vie navigabili interne.

Con decisione congiunta dei Ministri delle finanze, delle infrastrutture e dei trasporti e della politica marittima e insulare, i requisiti minimi di cui sopra possono essere modificati e possono essere determinati problemi di infrastrutture, edifici e altre strutture, in aggiunta a quanto sopra, per le vie navigabili straniere (gate) nelle aree marine. Con decisione congiunta dei ministri delle Finanze e delle Infrastrutture e dei Trasporti, i requisiti minimi di

cui sopra possono essere modificati e possono essere determinati problemi di infrastrutture, edifici e altre strutture, in aggiunta a quanto sopra, per vie navigabili straniere (gate) su un lago.

Con decisione congiunta dei ministri delle finanze, delle infrastrutture e dei trasporti, della navigazione e della politica insulare e della protezione dei cittadini, il tipo di ciascuna via navigabile è determinata come via navigabile/porta di accesso interna o esterna.

Articolo 4 Disposizioni generali

L'autorizzazione per la realizzazione di una via navigabile è concessa solo ad un ente pubblico. Con decisione congiunta dei ministri delle Infrastrutture e dei trasporti e della politica marittima e insulare, viene concesso un permesso per l'istituzione di un porto marittimo. Per un lungomare su un lago, il permesso di stabilimento è concesso esclusivamente con decisione del Ministro delle Infrastrutture e dei Trasporti. Per i corpi idrici che sono stati assoggettati alla rete Natura 2000, l'autorizzazione all'insediamento è rilasciata con decisione congiunta dei Ministri delle Infrastrutture e dei Trasporti e dell'Ambiente e dell'Energia. Nel caso di rilascio di una licenza ad un governo locale, la decisione di concederla è confermata dal Ministro dell'Interno.

L'esercizio di un corso d'acqua o l'uso di un campo d'acqua in una zona di mare che:

a) E' stato definito dal Regolamento Portuale come ormeggio per le navi. Gli ormeggi delle navi possono essere utilizzati in casi eccezionali per il servizio di idrovolanti, se su di essi non sono ormeggiate navi, previa autorizzazione dell'organismo competente e con il consenso dell'autorità portuale locale

b) è un campo di esercitazioni delle Forze armate o un'area per lo svolgimento di operazioni ed esercitazioni militari o un attracco per il riempimento di un gasdotto o un'installazione delle Forze armate in generale o un'installazione che serve a scopi di difesa e sicurezza nazionale come di cui all'articolo 17 della legge A 285) o è stato designato come area difensiva o forte navale ai sensi della legge 376/1936 (A 546)

c) si trova in prossimità di stabilimenti balneari, come definiti al par. 1 dell'articolo 1 del DPR 31/2018 (A 61), tenuto conto delle limitazioni alla circolazione delle imbarcazioni a motore, dovute alla sostituzione del p.d. 23/2000 (A 18), con il DPR 31/2018 (A 61)

d) secondo le statistiche del Servizio meteorologico nazionale, è un'area in cui le condizioni meteorologiche prevalenti sono generalmente sfavorevoli e creano un'altezza d'onda significativa, superiore a due (2) metri nella zona di ormeggio.

Con decisione congiunta dei ministri della Protezione civile, delle finanze, delle infrastrutture e dei trasporti e della politica marittima e insulare, una via navigabile può essere designata come punto di ingresso-uscita, su richiesta dell'operatore della via navigabile. Se il gestore del bacino non è anche titolare del permesso di stabilimento di lungomare, la domanda deve essere presentata dal titolare del permesso di stabilimento di lungomare.

L'esercizio dei porti marittimi e l'uso delle vie navigabili è consentito solo durante la giornata di volo.

Le disposizioni del Programma nazionale per la sicurezza dell'aviazione civile si applicano ai corsi d'acqua e ai corsi d'acqua delle aree interessate. L'esecuzione del trasporto pubblico da parte dei vettori aerei presuppone

l'approvazione del programma di sicurezza del vettore aereo previsto dal regolamento nazionale sulla sicurezza dell'aviazione civile. Per i corsi d'acqua dove il controllo è svolto dalla Guardia Costiera - Guardia Costiera ellenica, dove il Regolamento nazionale sulla sicurezza dell'aviazione civile fa riferimento alla Polizia greca, si intende la Guardia Costiera - Guardia costiera ellenica. L'approvazione del programma di sicurezza delle vie navigabili richiede il consenso della Guardia costiera - Guardia costiera ellenica o della polizia greca, a seconda del funzionamento della via navigabile rispettivamente in una zona di mare o in un lago.

Per quanto non specificamente disciplinato si applicano le disposizioni della normativa vigente, quali il Codice dell'Aviazione (Legge 1815/1988, A 250) e il Capo A della Legge 4014/2011 (A 209).

L'operatore del lungomare è responsabile dell'amministrazione, della gestione e del funzionamento delle infrastrutture e dei servizi del lungomare. Inoltre, l'operatore del waterfront è responsabile del coordinamento e del controllo delle attività che operano all'interno del bacino.

Per i porti marittimi internazionali, sono consentiti i voli nazionali e i voli diretti da e per i Paesi che hanno ratificato e attuato l'Accordo di Schengen, purché sia assicurata la possibilità di effettuare i controlli previsti. I voli da e per paesi che non hanno ratificato l'accordo di Schengen sono operati attraverso un aeroporto internazionale o un aeroporto o porto o porto marittimo designato come punto di ingresso regolamentato per il paese.

Il contratto di concessione dettaglia le responsabilità e gli obblighi di entrambe le parti per rispettare le condizioni stabilite nella presente legge.

Se un'area di manovra spartiacque comprende un'area portuale, l'uso dell'area di manovra è consentito previa approvazione dell'Autorità Portuale competente e sotto la responsabilità dell'operatore idrovولante.

L'autorizzazione all'esercizio della via navigabile non consente l'esercizio della via navigabile senza il rilascio di un'autorizzazione all'esercizio.

Con decisione congiunta dei ministri delle Infrastrutture e dei trasporti e della politica marittima e insulare, viene concesso un permesso per l'esercizio delle vie navigabili. Per un lungomare su un lago, la licenza d'esercizio è concessa esclusivamente con decisione del Ministro delle Infrastrutture e dei Trasporti.

Per le superfici idriche che sono state assoggettate alla rete Natura 2000, la licenza d'esercizio è concessa con decisione congiunta dei Ministri delle Infrastrutture e dei Trasporti e dell'Ambiente e dell'Energia.

Una licenza per l'esercizio delle vie navigabili è concessa solo agli enti con sede in Grecia o nell'UE o alle persone fisiche che risiedono in Grecia o nell'UE. In questo caso, il par. 2 dell'articolo 18 della legge 1815/1988 (A 250) si applica di conseguenza. Nel caso di domanda di licenza d'esercizio da parte di persona con domicilio o sede legale in un Paese dell'Unione Europea, la domanda designa un rappresentante e il suo supplente, residente o domiciliato nel Paese, e indica i seguenti dettagli : nome, cognome, codice fiscale, codice fiscale, Agenzia delle Entrate, indirizzo e recapiti telefonici. In caso di morte della citazione, viene sostituita entro due (2) mesi.

La licenza di esercizio delle vie navigabili è concessa a un ente pubblico o privato. In caso di concessione di una licenza operativa a una S.A., LLC, Società in nome collettivo, Società in accomandita semplice o in una società di capitali privati (PC), l'amministratore delegato e ciascun membro del consiglio

di amministrazione della società per azioni e ciascun partner e manager negli altri deve:

- a) Avere almeno 18 anni di età;*
- b) non è stato condannato irrevocabilmente ad alcun reato per reati di disubbedienza, apolidia, oltraggio allo Stato, tradimento, oltraggio al libero esercizio dei diritti civili, al potere dello Stato, alla libertà sessuale e allo sfruttamento sessuale della vita sessuale, all'organizzazione criminale, atti terroristici, contraffazione, contraffazione, contraffazione, infedeltà sul servizio, violazione della riservatezza delle comunicazioni telefoniche e orali, furto, appropriazione indebita, frode con estorsione, infedeltà, concussione o estorsione, oppressione, droga, furto di animali, contrabbando e reati di armi ed esplosivi, se la condanna è registrata o meno nel casellario giudiziario del richiedente;*
- c) non ha scontato una pena detentiva superiore a sei (6) mesi per un reato commesso intenzionalmente;*
- d) di non essere temporaneamente trattenuto o rinviato irrevocabilmente a giudizio per un delitto o reato di causa bd o di non essere stato condannato anche con decisione definitiva per un delitto o reato di causa bd. Tale impedimento è valido fino all'assoluzione irrevocabile, e)*
- e) non è stato privato dei suoi diritti civili, anche se è scaduto il termine fissato per la loro privazione,*
- f) non è stato sotto tutela giurisdizionale,*
- g) non è stato licenziato dalla pubblica amministrazione per un illecito disciplinare connesso ai reati di cui alla causa bd;*
- (h) non essere un fabbricante o commerciante di armi, munizioni o esplosivi.*

Qualora la licenza di esercizio sia richiesta da Srl o PC, nel relativo contratto stipulato tra il titolare della licenza di stabilimento e le suddette società, è obbligatoriamente posta la condizione che le persone fisiche che detengono congiuntamente le obbligazioni di tali società, derivanti da la licenza di esercizio le loro azioni o quote.

Servizio di autorizzazione delle vie navigabili (articolo 7)

L'ufficio competente per la ricezione della domanda, la promozione della procedura e la proposta per il rilascio della licenza per l'apertura di una via navigabile o della licenza per la gestione di una via navigabile è la Divisione Trasporto Aereo della Segreteria Generale dei Trasporti .

Fascicolo tecnico delle vie navigabili (Articolo 8)

Il fascicolo tecnico, a seconda dell'autorizzazione per la navigazione (stabilimento o esercizio) richiesta dall'interessato, deve contenere, rispettivamente, i documenti giustificativi di cui agli articoli 9 e 11.

Seguono i seguenti articoli ed altre specifiche disposizioni previste:

Articolo 9 Domanda di autorizzazione per le vie navigabili

Articolo 10 Tariffa

Articolo 11 Domanda di autorizzazione all'esercizio delle vie navigabili

Articolo 12 Procedura per l'esame delle domande - rilascio delle autorizzazioni

Articolo 13 Durata della licenza - modifica dei dettagli della licenza

Articolo 15 Trasferimento della licenza - concessione dell'esercizio

Articolo 17 Condizioni di volo

Articolo 18 Circolazione sull'acqua e comunicazioni

Articolo 19 Divieti - Restrizioni

Articolo 20 Assicurazione

Articolo 21 Tariffe dei servizi di navigazione

Articolo 22 Tasse di esercizio delle vie navigabili

Articolo 23 Formazione del personale di waterfront

Articolo 24 Rifornimento di aeromobili

Articolo 27 Corpi idrici

Articolo 28 Divieto temporaneo di vie navigabili o di campi d'acqua

Articolo 29 Istituzione e gestione di una via navigabile da parte di enti pubblici

Art. 30 Sistema di monitoraggio elettronico dei permessi di Waterfront

Procedure di controllo dei terminali del Waterdrome

Ottenute licenze e pendenti per gli aerodromi nautici greci Swan - Procedure obbligatorie - Licenze ottenute - Idrodromo di Corfù

Il Corfù Waterdrome copre tutti i requisiti in strutture e infrastrutture in conformità con le disposizioni della legge 4568/18 ed è pronto per l'uso in quanto dispone di una licenza operativa in vigore da dicembre 2014 (Gazzetta governativa 3684BD - n. 75957/5727).

Inoltre, al fine di migliorare i servizi resi al pubblico passeggeri ma anche di migliorare il funzionamento della via navigabile, nell'ambito del progetto Swan, sarà appaltata e installata una nuova piattaforma galleggiante, che avrà le seguenti caratteristiche tecniche:

Molo galleggiante di Corfù:

- Lunghezza : 48,00 m

- Larghezza: 3 m

- Altezza libera dal livello medio del mare: + 0,50 m

- N. di unità da 12 m : 4

Ponte di accesso al corso d'acqua di Corfù (rampa):

- Lunghezza : 6,00 m

- Larghezza : 1,50 m

- Altezza libera dal livello medio del mare: -

- N. di unità da 12 m : 2

Sulle procedure necessarie per ottenere una licenza - Corsi d'acqua nelle Isole Diapontia

Per i tre Corsi d'Acqua delle Isole Diapontia l'iter di abilitazione va svolto dall'inizio secondo quanto previsto dalla Legge 4568/18. Nello specifico è richiesta la predisposizione e predisposizione delle Schede Tecniche dei Corsi d'Acqua, nonché la costruzione e l'attrezzatura dei tre Corsi d'Acqua. Quanto sopra sono prerequisiti per il rilascio dei Permessi di Stabilimento Idrico.

In particolare, per quanto riguarda l'equipaggiamento dei tre corsi d'acqua che saranno realizzati nelle Isole Diapontia, saranno realizzati gli opportuni impianti, secondo quanto previsto dalla normativa di riferimento, come sopra richiamato, per l'avvicinamento degli idrovolanti e per il servizio a terra del pubblico passeggeri. Questi consisteranno in una piattaforma galleggiante di avvicinamento per idrovolante e una capanna prefabbricata per il servizio passeggeri. L'accesso alle strutture dei corsi d'acqua avverrà attraverso la rete stradale già esistente di ciascuna isola.

Per quanto riguarda le capanne, queste avranno una superficie di 64,08 m² con la loro planimetria modellata in base alle esigenze e all'ubicazione del rispettivo corso d'acqua, mentre includeranno tutti gli spazi necessari per

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SPECIALIZZATO IN SPACE ECONOMY E DIRITTO AEROSPAZIALE

soddisfare le esigenze dei corsi d'acqua (area attesa passeggeri, zona controllo passeggeri e bagagli, servizi igienici, ufficio, ecc.).

L'area suddetta è così scomposta:

Lunghezza (L) = 8,90 m.

Larghezza (B) = 7,20 m.

Altezza esterna (H) = 3,20 m.

Superficie totale = 64,08 mq

Per tanto esposto nel preste studio giuridico, si rassegna l'analisi "Legal Frame" così come affidata dal Comune di Gallipoli allo scrivente professionista, unitamente all'ALLEGATO 1 (Del.5.1.2 – Legal Framework Study – Greece - LB - Port Authority of Corfu) favorito in regime di reciprocità dall'Autorità Portuale di Corfù.

Caiazzo – Caserta, 20 Settembre 2022

Avv. Giovanni Mastroianni



FONTI NORMATIVE E GIURISPRUDENZIALI

Trattato CEE, Roma 25/03/1957

Convenzione di Londra del 20 ottobre 1972 per la prevenzione degli abbordi in mare

Regolamenti CEE afferenti il trasporto marittimo: - N. 4055/1986; - N. 4056/1986 (modificato dal regolamento (CE) n. 1/2003 del Consiglio); - N. 1419/2006 del Consiglio del 25-9-2006 che ha abrogato il regolamento del Trattato ai trasporti marittimi; - N. 1419 che ha modificato il regolamento (CE) n. 1/2003 - N. 4057/1986, - N. 4058/1986; **Regolamenti UE afferenti il trasporto aereo:** - N. 712/2019 concorrenza nel settore del trasporto aereo; - N. 2017/386 sorveglianza del cielo unico europeo; - N. 2017/373 fornitura dei servizi di gestione del traffico aereo e di navigazione aerea; - N. 2015/1998 della Commissione, in materia di sicurezza aerea; - N. 1318/2014 vettori aerei soggetti a un divieto operativo all'interno della Comunità; -N. 376/2014 del Parlamento europeo e del Consiglio, concernente la segnalazione, l'analisi e il monitoraggio di eventi nel settore dell'aviazione civile; - N. 1079/2012 spaziatura dei canali di comunicazione vocale nel cielo unico europeo; -N. 1361/2008, che modifica il regolamento (CE) n. 219/2007 relativo al sistema SESAR; - N. 1008 del 24 settembre 2008, del Parlamento europeo e del Consiglio, recante norme comuni per la prestazione di servizi aerei nella Comunità; -N. 1107/2006, diritti delle persone con disabilità e delle persone a mobilità ridotta nel trasporto aereo; -N. 411/2004; - N. 95/1993

Regolamento (CE) n. 1592/2002 e la direttiva 2004/36/CE

Regolamento (CE) n. 216/2008 e che abroga la direttiva 91/670/CEE del Consiglio, il Regolamento (UE) n. 965/2012

Regolamento (UE) n. 923/2012 SERA del 26/9/2012 che stabilisce regole dell'aria comuni e disposizioni operative concernenti servizi e procedure della navigazione aerea

Regolamento di esecuzione (UE) 2015/2447

Regolamento di Esecuzione UE 2021/255 della Commissione del 18 febbraio 2021 recante modifica del regolamento di esecuzione (UE) 2015/1998

Direttiva EU 123/2016; pronuncia Giudice Comunitario 2016, comportante la disapplicazione dell'art. 1, comma 18, d.l. n. 194/2009 e dell'art. 34-duodecies, d.l. 179/2012

**Art. unico comma 683, L 145/2018 analizzato dopo l'intervento della Corte di giustizia
nel caso “Visser” sentenza 30/01/2018, causa C-360/15**

**Legge Comunitaria n. 25/1999 (legge comunitaria per il 1998), attraverso le modifiche
apportate agli artt. 800 e 805 Cod. Nav.**

Sentenza Corte di Giustizia 23-10-2007 causa C-440/05

Sentenza Corte di Giustizia Europea del 14/07/2016

Legge Greca N. 4663/2020, in G.U.G. 30 / A / 12-2-2020

**Regolamento Ellenico degli mezzi e velivoli ultraleggeri N. D2 / 26314/8802 (Comando
Servizio Aviazione Civile – Giornale Governo della Repubblica ellenica N. 2 F. 1360 –
02709/2010 – 18355)**

Legge Costituzionale 3/2001

Codice Navigazione RD 327/1942 - D. Lgs. N. 37/2020

Codice penale - R.D. 1398/1930

Legge n. 340/1954

Legge n. 518/1968

DPR n. 484/1981

DPR n. 404/1988

L. n. 106/1985

L. 241/1990

L. n. 127/1997

D Lgs. n. 250/1997

Legge n. 172 /2003

L. n. 229/2003

L. 308/2004

L. 15/2005

D. Lgs. n. 96/2005

DM Ministero Infrastrutture e Trasporti 01/02/2006

D. Lgs n. 1392006

D. Lgs. 152/2006

L. 69/2009

DL 78/2010

DPR n. 133/2010

DL 70/2011

Circolari ENAC “Disciplina generale della protezione antincendio per gli Aeroporti di aviazione generale e le Aviosuperfici” (Edizione n° 1 approvata con disposizione d’urgenza del Direttore Generale n. 9/DG del 2 febbraio 2011

D.L. n. 179/2012

D.L. n. 133/2014

L. 124/2015 in attuazione della delega, il D.Lgs. 30 giugno 2016, n. 127

Regolamento ENAC I Ed. 2016

D.L. n. 24/2022

Sentenza Cons. di Stato n. 7874/2019

Sentenza Cons. Stato n. 1342/2018

Sentenza Cons. Stato n. 394/2017

Sentenza Cons. Stato n. 168/2008

Ordinanza Balenare Regione Puglia 26/04/2022

Ordinanza n. 36 in data 26 aprile 2018 del Capo del Compartimento marittimo di Gallipoli “Disciplina della navigazione in prossimità della costa – Zone di mare interdette alla navigazione

Ordinanza n. 79/2022 per idrosuperficie Nardo

Capitaneria di Porto Gallipoli Ordinanza N. 61/2022 del 15/05/2022 che abroga e sostituisce l’Ordinanza n. 28/2021 datata 11 maggio 2021

Dispaccio n.02.01/13413 in data 08.02.2007 del Comando Generale del Corpo delle Capitanerie di Porto avente per argomento “compatibilità tra attività nautiche: disciplina”

Ordinanza n. 42 in data 18.05.2017 con la quale viene approvato il “Regolamento sulla Disciplina del Diporto Nautico nell’ambito del Circondario Marittimo di Gallipoli”.

Legge Regionale Puglia N. 17/2006 Legge Regionale Puglia N. 17/2015

Sentenza Cons. Stato , n. 394/2017

Ordinanza n° 26/2006 Capitaneria di Porto di Gallipoli

Ordinanza n. 48/2016 Capitaneria di Porto di Gallipoli

Ordinanza n. 61/2022 Capitaneria Porto di Gallipoli

Ordinanza n. 36/2018 Capitaneria Porto di Gallipoli

Nota del Settore Demanio e Patrimonio della Regione Puglia n° 20/14879/1 del 12.12.2006

Ministero Infrastrutture Trasporti – Capitaneria di Porto Gallipoli Ordinanza N. 61/2022 del 15/05/2022 che abroga e sostituisce l'Ordinanza n. 28/2021 datata 11 maggio 2021

Circolare n. 120 Serie I Titolo Demanio Marittimo prot. n. DEM2A - 1268 in data 24.05.2001

Circolare n. 82/022468/I in data 03.04.2002 a firma congiunta del Ministero delle Infrastrutture e dei Trasporti - Direzione Generale per le Infrastrutture della Navigazione Marittima ed Interna e del Comando Generale del Corpo delle Capitanerie di Porto

Nota n. 34660 in data 07.04.2006 del Comando Generale del Corpo delle Capitanerie di Porto “Ordinanza Balneare – Riparto delle competenze tra le Autorità marittime e gli Enti territoriali locali in materia di disciplina delle attività balneari - Prescrizioni concernenti la regolamentazione degli aspetti di sicurezza e del servizio di salvamento”

SWAN

"Enhancing regional transportation through Sustainable Water Aerodrome Network"

Del.5.1.2 – Legal Framework Study (Greece)

LB - Port Authority of Corfu

Project Details:

Programme: **(Interreg V-A) EL-IT - Greece-Italy**

Priority Axis: **Cross Border and Sustainable Transport System.**

Objective: **Promoting transport and removing bottlenecks in key network infrastructure.**

Project Title: **Enhancing regional transportation through Sustainable Water Aerodrome Network.**

Project Acronym: **SWAN**

Reference No: **5003044**

Lead Partner: **Port Authority of Corfu.**

Total Budget: **2.632.895,00€**

Time Frame: **01/01/2018 - 15/05/2021**

Deliverable Details

WP: 5 - Cross-Cutting activities: Implementation training and educational program & Improving Legal Framework through new levels of coordination and cooperation

Deliverable Title: **D.5.2 - Legal Framework Study**

Responsible Partner: **Municipality of Central Corfu & Diapontia Islands**

Involved Partners: **LB**

Date & Place of delivery: **11/05/2021, Corfu**

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1. Introduction

This report is elaborated in the context of Work Package (WP) 5 Cross-Cutting activities: Implementation training and educational program & Improving Legal Framework through new levels of coordination and cooperation.

WP5 aims to:

A) develop and conduct a custom and tailored to the project needs, transferrable training program based on successful examples worldwide. The training subjects will include the following: a) basic rescue, b) first aid, c) fire fighting, d) mooring, e) basic seamanship, f) safety, g) security, h) infrastructure management and i) maintenance and seaplane operations. The training program will also qualify the personnel for Civil Protection duties and for working in other similar areas such as ports, marinas, handling companies, etc.

B) elaborate a study, presenting the existing Legal Framework in Greece and Italy regarding water aerodromes operations and improve with tailored recommendations. Among others, the study will assess the legal issues between the maritime and the aviation sector and activities, promoting the adoption of a common set of rules, addressing operational aspects (operations within ports, equipment, signalling procedures) and specific legal issues related to Security (harmonisation between National Security Plan for Ports and Airports). The harmonisation of the differences on Security regulations between the ports and aviation is important in order to promote amphibious operations; amphibious aircrafts (Seaplanes with wheels in the floats) take off from both ports and airports (land operation), thus, allowing real multimodal transportation.

C) elaborate a Joint Sustainable Mobility Plan. The Sustainable Mobility Plan will be the basis for project replication as it will describe all the necessary steps (administrative, legal, technical and financial) for the realization of a water aerodrome and for the establishment of the supporting facilities. Replication is also enhanced from the practical development of 8 Water aerodromes and their validation and testing during the project duration.

Municipality of Central Corfu and Diapontian Islands (PB2) will be in charge for the elaboration of the consolidated Legal Framework Study concerning the Greek Legal Framework while the Municipality of Gallipoli (PB4) will be in charge for the elaboration of the Legal Framework Study concerning the Italian one. All the partners will contribute in the elaboration of the 2 individual studies.

This report is the contribution of the Port Authority of Corfu (LB) to the del.5.2 and focuses on the Greek Legal Framework related with water aeroplanes operations and required licenses/authorisations. Thus, this study is composed by the following sections:

- 1. Introduction
- 2. State of Play: Background & Key Stakeholders/Beneficiaries
- 3. The evolution of Greek Legal Framework for Water Aerodromes over years
- 4. Introduction of the Existing Greek Legal Framework
- 5. Obtained licenses and pending ones for the Greek Swan water aerodromes – Required procedures.
- 6. The benefits of the new legal framework for the water aerodromes in Greece
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Figure 1 – Water Aerodrome of Corfu – Mooring area

2. State of Play: Background & Key Stakeholders/Beneficiaries

2.1 *Current situation of multimodal transport in the Adriatic region*

EU figures show that freight is projected to increase by 40% by 2030 and exceed 80% by 2050. This - especially the increase in road freight - is a major source of concern for the well-being of European citizens, as the negative effects of this increase are air pollution, congestion, noise, accidents and climate change.

To address this, the EU actively supports combined transport through the Combined Transport Directive (CT) (Council Directive 92/106 / EEC). The aim is to strengthen combined transport by removing procedures and restrictions on combined transport.

Some other EU policies support the Directive, including the Weights and Dimensions Directive (Directive (EU) 2015/719 amending Council Directive 96/53 / EC), which allows Member States to allow road transport of heavier intermodal cargoes in the context of combined transport and financial support for projects related to combined transport.

In particular, maritime aviation networks are receiving increasing attention both in the European Union and worldwide, as they:

- ✓ can provide real multimodal capabilities, connecting any coastal location, from cities - ports to remote areas and to areas with international airports.
- ✓ have limited infrastructure requirements, usually require a simple and economical floating platform.
- ✓ have low environmental impact; both from infrastructure and from marine aircraft.

Limited infrastructure requirements and low environmental impact make seaplane transport one of the best alternatives for multimodal and integrated transport systems.

However, the lack of specific regulations (such as the harmonization of shipping and air transport rules) and the consequent limited availability provided by the port authorities of Italy and Greece (including most ports in the Adriatic-Ionian Region) for accepting seaports within their facilities, they have reduced the

activities of maritime aircraft to secondary areas, dramatically reducing the efficiency of this means of transport.

One of the gaps identified is the lack of short transports within the area. Today's clear understanding of the need to develop direct connections within the Ports created the synergy between the Port Authorities of Corfu (management of Paxos / Diapontia Islands) and Taranto, which was extended to other Municipalities of Ports in the Adriatic-Ionian Sea area (Gallipoli and Nardo) .

An important need that is identified is the use of seaplanes to connect the main ports, enhance intermodality (direct connections between airports and ports) and provide direct access to the city centers, where ports are usually located.

There is still a need for some regulatory / regulatory work, in particular with regard to the harmonization of shipping and air transport rules, and that is why - as a horizontal activity - the project aims to improve the existing legal framework in order to develop new levels of coordination and cooperation.

Seaplanes operate successfully around the world and are an established mode of transportation in areas such as North America. Indicatively, seaplane airports are located in 12 areas across Canada and hundreds in the US. In 2016, seaplanes reappeared in Norway with the founding of Scandinavian Seaplanes. Seaplanes are an established mode of transport in Australia, where new routes have recently been identified and are being further explored. In addition, seaplanes are experiencing a revival in India, where the Indian airline SpiceJet has set up a seaplane service and received approval for 18 seaplanes. Although traditionally intended mainly for resorts and secluded destinations, seaplanes are revived in many different passenger services, including regular VIP passenger services.

An example of regular seaplane travel in Europe is found in the Balearic Islands of Spain, where flights between the ports of Palma, Minorca, Ibiza and Formentera operate 365 days a year. An excellent example of harnessing seaplane activities for successful VIP and leisure tourism is the case of the picturesque Lake Como in northern Italy on the border with Switzerland.

In Europe, seaplane bases operate successfully in the following European countries, including: Austria, Belgium, Croatia, Cyprus, Denmark, Finland, France,

Germany, Greece, the Netherlands, Iceland, Ireland, Italy, Malta, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom.

Vidan et al report that the law in Croatia is being revised to allow for the "rapid increase in seaplane traffic" that occurred in the Republic of Croatia by the time of their publication in 2016. The researchers also report that the increase in seaplane traffic is constantly increasing. in the decade before joining the EU and will see "an even higher annual rate of increase in seaplane traffic in the near future" according to the International Air Transport Association (IATA).

All indicators show that the seaplane sector is experiencing a revival and is currently in the midst of rapid growth in Europe with the Adriatic and Ionian Sea trying to grow the most.

2.2 Stakeholders & Beneficiaries

- The main beneficiaries of the SWAN waterway network are the residents and travelers of the project area (Corfu, Paxos, Diapontia Islands, Taranto, Gallipoli and Nardo) who are involved, as they are regions / areas that will benefit greatly from the waterways. offered services. In addition, all operators - companies that are directly or indirectly involved in the operation of the network, from the supply chain to local businesses, tourism companies, accommodation or restaurants, also benefit.

In short, the main categories of stakeholders / beneficiaries of the SWAN Network are:

- Residents of the areas involved,
- Tourists and travelers,
- Transport and Airlines,
- Travel media and travel agencies,
- Local media, including tourist shops, restaurants and hotels,
- Local, regional, national authorities and European Institutions,
- Networks of institutions and organizations,
- General public (citizens),
- Companies involved in the supply chain,

Table 1 presents the key identified stakeholders from the Greek side.

Table 1– Key stakeholders / Beneficiaries of Swan Network

Name	Target Group	Level of impact	Main Services / Actions
Corfu Air Monitors	Enterprise	Local	<ul style="list-style-type: none"> ▪ Provided a first-class service to its customers whilst ensuring safety & regulations are always maintained. ▪ Charter Scheduled and Cargo airlines. ▪ A full range of handling & support services.
Region of Ionian Islands	Regional Authority	Regional	<ul style="list-style-type: none"> ▪ Responsible for the sustainable development and the prosperity of the Region ▪ Provide grants
Chamber of Corfu	Business Support Organisation	Local	<ul style="list-style-type: none"> ▪ Support members / SMEs / Enterprises of Corfu ▪ Inform members / SMEs
Corfu International Airport "Ioannis Kapodistrias"	Public Provider	Local	<ul style="list-style-type: none"> ▪ Government-owned airport on the Greek island of Corfu at Kerkyra, serving both scheduled and charter flights from European cities.
Hellenic Seaplanes	Enterprise	National	<ul style="list-style-type: none"> ▪ Passengers/cargo transportation, pilot academy, training staff, water aerodromes management, aircrafts supply etc.
Aerocandia Aviation Services - Corfu	Enterprise	Local	<ul style="list-style-type: none"> ▪ Maintenance Provider for airplanes
Hellenic Ministry of Infrastructure, Transport and Networks	National Authority	National	<ul style="list-style-type: none"> ▪ Concerned with infrastructures, investments and public works ▪ Provide licenses & Authorisations

Meander Handling	Enterprise	Local	<ul style="list-style-type: none"> ▪ Provided a first-class service to its customers whilst ensuring safety & regulations are always maintained. ▪ Charter Scheduled and Cargo airlines. ▪ A full range of handling & support services.
Marine Engineering Services Corfu By Nikolaos Perdikouris	Enterprise	Local	<ul style="list-style-type: none"> ▪ Marine Engines, Auxiliaries (Air condition, Water makers, Generators, Winches), Electrical Installation, Maintenance, Diesel Mechanic, Machining Services. ▪ Marine Accessories and safety equipment Designer
DIONISIOS - GIORGOS S. MICHALOPOULOS.	Enterprise	Local	<ul style="list-style-type: none"> ▪ Service and repair of diesel marine engines from 20hp to 3,000hp Service and repair of all types of marine engine gearboxes and stern drives Shaft construction and repair Endoscopic inspections and computer assisted diagnostics Authorised repair centre
Corfu Coast Guard	Public Body	Local	<ul style="list-style-type: none"> ▪ Coast & sea protection – Inspection - others

3. The evolution of Greek Legal Framework for Water Aerodromes over years

This section presents some transitional provisions and the repealed articles, regarding the Greek Legislative Framework related to the operation of waterways.

In Greece, in 2004 the first pilot program for the operation of seaplanes in the Ionian region began.

Mainly based in Corfu, in the period 2004-2008, the seaplanes flew to the Ionian Islands, to Patras, Lake Ioannina, Brindisi (Italy), while they were active for a short time in the Aegean region, since waterways were created in Ios, Patmos and Kalymnos, connecting them with Lavrio.

The 1st Legislative intervention for the waterways took place in 2005 when the Law (L.3333) for the licensing and operation of the Waterways was passed.

Pursuant to this Law (Article 10th par. 1 and 3), the Joint Ministerial Decision (K.Y.A 6814/05) was issued, which states the procedures required for the temporary licensing of Aqueducts.

Based on this Joint Ministerial Decision 15 waterways in Greece had been licensed until today, but which have become inactive since the closure of the Seaplanes in 2008.

In April 2013, the updated law L.4146 / 2013 (Government Gazette A190) was voted in the Parliament.

Law 4146/2013 (Government Gazette A 90), was amended by 4568/18 (Government Gazette 178 A / 18), which in turn was amended by Law 4663/20.

The new institutional framework (Law 4663/20) that is now in force provides for:

- Simplification of the licensing process,
- Certification of waterfront operating personnel,
- Exemption from anchorages and time-delays of JMDs
- Restoration of a friendly investment environment for public and private.

Some points worth noting:

Article 31 Transitional provisions

1. Holders of waterway operating licenses, which have been granted by the provisions of Law 4146/2013 (A 90), within six (6) months from the entry into force of this, must meet the requirements of Article 3 for infrastructure and article 16 for the equipment and to submit the necessary amended supporting documents to the Air Transport Division, which issues a relevant certification deed. Otherwise all flights are suspended.
2. The installation of prefabricated huts as infrastructure of waterways is allowed. For their installation, the common procedure of licensing and obtaining approvals is followed.
3. For all waterways where the application and the technical file have been submitted and until the entry into force of this, the final permits have not been issued, at the request of the public body and with the consent of the private body, provided that the latter has submitted the application and the technical file. The establishment license is issued in the name of the public body and the individual approvals are reissued in the name of the public body, while the operating license is issued in the name of the body that has submitted the application. In this case, for the issuance of the operating license in the name of the individual, a tender procedure must have preceded, in accordance with the award rules of Law 4412/2016 (A 147) or Law 4413/2016 (A 148) or of these pre-existing provisions in case it necessarily includes the operation of a waterway and not only the lease of the space.
4. Within fifteen (15) days from the entry into force of this, the Non-Public Bodies that hold operating licenses issued with the previous provisions and for which a tender procedure has preceded, in accordance with the rules of assignment of Law 4412/2016 or of Law 4413/2016 or these pre-existing provisions, as the case may be, submit to the Ministry of Infrastructure and Transport a declaration that they accept the conversion of the license into a founding license in the name of a Public Body, which they submit a relevant declaration of acceptance, and an operating license in the name their. In this case, the permit is converted within three (3) months by decision of the Minister of Infrastructure and Transport. Otherwise the license is revoked.
5. By joint decision of the Ministers of Finance, Environment and Energy and Infrastructure and Transport, for waterways created in lakes, after the approval of the environmental impact conditions, the areas of maneuvering and movement of the waterway, as well as the locations of the necessary floating and land facilities

are determined, following a study submitted by the body requesting the establishment permit.

Article 32 Ceased provisions

With the present in effect, the following are ceased: a. Articles 32 to 57 of Law 4146/2013 (A 90), b. par. 4 of article 24 of n.d. 714/1970 (A 238), which has been added with par. 1 of article 2 of law 3333/2005 (AD 91), c. par. 4 of article 2 of law 3333/2005, d. any other provision that is contrary to the regulations of Part A of the present document.

4. Introduction of the Existing Greek Legal Framework

4.1 Legal framework of waterways operation & Required Licensing

The Legal Regulatory Framework is described in detail in Law 4568/18 (Government Gazette 178 A / 18). More specifically, the Waterfields are licensed and operate in accordance with the following provisions in force:

Article 1 Definitions

The following definitions apply to the application of Part A (articles 1 - 32):

- 1.a) "Waterway establishment permit" means the permit issued to the person concerned only for the construction of facilities and infrastructure and the addition of the necessary waterway equipment.
- b) "Aqueduct operation permit": the permit granted to the interested party and allows the operation and operation of the aqueduct, provided that a watershed establishment permit has been issued and is in force.
2. "Air carrier" means an air transport undertaking holding an air carrier certificate.
3. "Air day": the period of time defined as thirty (30) minutes before sunrise up to thirty (30) minutes after sunset.
4. "Aircraft" means a seaplane or an amphibious airplane or an amphibious helicopter.
5. "Offshore": the detachment of an aircraft from the surface of the water with the same forces.
6. "Public body": the State, the legal entities under public law, the Local Authorities, first or second degree, the legal entities under private law whose majority of the shares are held by the State or legal entities under public law or O.T.A. first or second degree as well as the municipal port funds.
7. "COLREGs": the "International Regulations for the Prevention of Conflicts at Sea" of the BoD. of London of the year 1972, which was ratified by Legislative Decree 93/1974 (A 293), as in force.
8. "Waterway Aerodrome Manuals" means the manuals submitted with the application for a waterway permit which include: a) The Water Aerodrome Manual; b) the Aquatic Safety Program (Security Program); c) the Emergency Plan.
9. "National Civil Aviation Safety Program" (NCASP) which has been issued with the no. D15 / A / 18070/1501 decision of the Minister of Infrastructure, Transport and

Networks (B '1485 / 17.6.2011), the relevant Technical Safety Instructions (TOA) and other regulatory acts for the application of civil aviation safety standards from illegal actions.

10. "VISUAL METEOROLOGICAL CONDITIONS / V.M.C.": meteorological conditions expressed in terms of visibility, as well as distance from clouds and cloud cover equal to or better than the specified minimum limits.
11. "Aerodrome maneuvering area" means a waterway area within which, depending on the morphology of the wider land and water area and the operational performance of the reference aircraft, at least one rectangle of appropriate dimensions is allowed to allow offshore and watercraft of aircraft. The maneuvering area is defined either by the coordinates of the center of the circle or by the geographical coordinates of the shape of the maneuvering area and does not include the berths of the aircraft. The maneuvering area may include a port area.
12. "Aircraft mooring area" means a water area of the waterway in contact with a pier, which provides fixed points for the aircraft to moor and disembark passengers, to load and unload cargo, to refuel between aircraft and to stay in the air; flights.
13. "Aerodrome traffic area" means the watershed area used for the onshore, onshore and waterway of aircraft and which consists of the airspace maneuvers and aircraft berths.
14. "Maritime": the dehydration of the aircraft.
15. "General aviation flights" means the civil aviation activity of an aircraft which is neither a public transport operation nor an air operations operation.
16. "VFR (VFR Flight)" means a flight conducted in accordance with the rules of sight flight.
17. "Concession contract": the contract by which the holder of an establishment or operation license grants to a legal or natural person the operation of the waterway.
18. "Waterway contract" means the contract between a holder of a waterway establishment permit and a holder of a waterway operation permit, as defined in subparagraph (1) of Article 8 (1).
19. "W.G.S.-84 System": the World Geodetic System of the year 1984.
20. "Types of waterways": waterways may serve domestic or international flights and are divided into domestic or international waterways (gates).

21. "Waterfield" means the waterfront and seaward area of an aircraft used occasionally or extraordinarily for flight service. Waterfields can not be a gateway to and from the country.
22. "Aqueduct" means an aerodrome on the surface of the water, intended in whole or in part for the onshore, onshore and aircraft movements on that surface, and includes the necessary land, infrastructure, building and port facilities and equipment for the provision of seaplane, passenger, cargo and postal services.
23. "Port Administration, Operation and Operation Body": any public body or body of self-government or private or mixed body that has, by law, the responsibility of port management and operation, according to article 1 par. 9 of law 2971 / 2001 (A 285).
24. "Waterway Operation Body": the holder of the waterway operation license or the legal entity to which the operation of the waterway is granted by the holder of the license for the establishment or operation of a waterway.

Article 2 Scope

1. The provisions of Part A (Articles 1 - 32) apply to all waterways where public air transport, general aviation and aviation operations are carried out by the State, by first or second degree local authorities, by legal entities of public or private law, by associations of persons, as well as by natural persons.

Article 3 Waterway facilities

1. The operation of seaports requires adequate infrastructure in port and building facilities, including prefabricated fixed, mobile or portable lodges, as well as the equipment required in Article 16 (I).

The construction of the required new facilities for the service of seaplanes, passengers, cargo and mail must be in accordance with the applicable specifications, regulations and current legislation.

For the design of the required facilities, the type of waterway must be taken into account, which is determined by the operation and the activities that take place in it. For areas that the passenger must pass through, waiting areas must be taken into account before ticket, check-in and baggage check-in, passport or identity document check-in areas, passenger and luggage security check-in areas, as well as waiting areas for boarding and sanitary facilities.

2. The minimum requirements of the building facilities in order to ensure an adequate level of passenger service are defined as follows: a) Building or other infrastructure to ensure the adequacy of space for the installation and proper operation of the passenger and luggage control safety equipment; b) while waiting for passengers, a space of 1.2 sq.m. is required. per passenger served, c) mandatory existence of sanitary facilities for both sexes and persons with mobility problems depending on the number of passengers. If these spaces are not in the passenger waiting area, they are located close to it.

At waterways which are entry-exit gates there is a separation of passengers inside and outside Schengen, a minimum space for uniformed personnel and service officers.

3. By joint decision of the Ministers of Infrastructure and Transport and Shipping and Island Policy, the minimum requirements of paragraph 2 may be amended, and issues of infrastructure, buildings and other facilities, in addition to the above, may be determined for inland waterways in a sea area. By decision of the Minister of Infrastructure and Transport, the minimum requirements of paragraph 2 may be amended, and issues of infrastructure, buildings and other facilities, in addition to the above, may be determined for inland waterways.

4. By joint decision of the Ministers of Finance, Infrastructure and Transport and Shipping and Island Policy, the above minimum requirements may be amended, and issues of infrastructure, buildings and other facilities, in addition to the above, may be determined for foreign waterways (gates) in marine areas. By joint decision of the Ministers of Finance and Infrastructure and Transport, the above minimum requirements may be amended, and issues of infrastructure, buildings and other facilities, in addition to the above, may be determined for foreign waterways (gates) on a lake.

5. By joint decision of the Ministers of Finance, Infrastructure and Transport, Shipping and Island Policy and Citizen Protection, the type of each waterway is determined as an internal or external waterway / gate.

Article 4 General provisions

1. The permit for the establishment of a waterway shall be granted only to a public body. By joint decision of the Ministers of Infrastructure and Transport and Shipping and Island Policy, a permit for the establishment of a seaport is granted.

For a waterfront on a lake, the establishment permit is granted exclusively by decision of the Minister of Infrastructure and Transport. For water bodies that have been subject to the Natura 2000 network, the establishment permit is granted by a joint decision of the Ministers of Infrastructure and Transport and of the Environment and Energy. In the case of issuing a license to a local government, the decision to grant it is co-signed by the Minister of Interior.

2. The operation of a waterway or the use of a water field in a sea area which:
 - a) It has been defined by the Port Regulation as a berth for ships. Ship berths may be used in exceptional cases for the service of seaplanes, if there are no moored ships on them, after the relevant approval of the competent body and with the consent of the local port authority,
 - b) is a field of exercises of the Armed Forces or an area for the development of military operations and exercises or a berth for filling a fuel pipeline or an installation of the Armed Forces in general or an installation that serves national defense and security purposes as referred to in Article 17 of Law A 285) or has been designated as a defensive area or naval fort according to Law 376/1936 (A 546),
 - c) is located near bathing facilities, as defined in par. 1 of article 1 of presidential decree 31/2018 (A 61), taking into account the restrictions on the movement of motor boats, due to the replacement of p.d. 23/2000 (A 18), with the presidential decree 31/2018 (A 61),
 - d) according to statistics of the National Meteorological Service, is an area in which the prevailing weather conditions are usually unfavorable and create a significant wave height, more than two (2) meters in the mooring area.
3. By joint decision of the Ministers of Civil Protection, Finance, Infrastructure and Transport and Shipping and Island Policy, a waterway may be designated as an entry-exit point, at the request of the waterway operator. If the watershed operator is not also the holder of the waterfront establishment permit, the application shall be submitted by the holder of the waterfront establishment permit.
4. The operation of seaports and the use of waterways is permitted only during the air day.
5. The provisions of the National Civil Aviation Safety Program shall apply to waterways and waterways in the areas concerned. The execution of public transport by air carriers presupposes the approval of the air carrier safety program provided by the National Civil Aviation Safety Regulation. For waterways where the policing is carried out by the Coast Guard - Hellenic Coast Guard, where

the National Civil Aviation Safety Regulation refers to the Greek Police, means the Coast Guard - Hellenic Coast Guard. The approval of the waterway safety program requires the consent of the Coast Guard - Hellenic Coast Guard or the Greek Police, depending on the operation of the waterway in a sea area or lake respectively.

6. For those matters that are not specifically regulated in Part A, the provisions of the current legislation are applied, such as the Code of Aviation Law (Law 1815/1988, A 250) and Chapter A of Law 4014/2011 (A 209).

7. The waterfront operator shall be responsible for the administration, management and operation of the waterfront infrastructure and services. In addition, the waterfront operator is responsible for coordinating and controlling the businesses operating within the watershed.

8. For international seaports, domestic flights, and direct flights to and from countries that have ratified and implemented the Schengen Agreement, are permitted, provided that the possibility of carrying out the required checks has been ensured. Flights to and from countries that have not ratified the Schengen Agreement are operated through an international airport or an airport or port or seaport designated as a regulated entry point for the country.

9. The concession agreement shall detail the responsibilities and obligations of both parties to comply with the conditions set forth in this law.

10. If a watershed maneuvering area includes a port area, the use of the maneuvering area is permitted after approval by the relevant Port Authority and under the responsibility of the seaplane operator.

11. The waterway establishment permit does not allow the operation of the waterway without the issuance of an operation permit.

Article 5 Financing of waterway investment

The creation of waterways can be included in the framework of strategic investments, provided that the conditions of article 1 of law 3894/2010 (A 204) are met. The creation of waterways can be part of public-private partnerships.

Article 6 Waterway Operation License Holder Conditions

1. By joint decision of the Ministers of Infrastructure and Transport and Shipping and Island Policy, a waterway operation permit is granted. For a waterfront on a lake, the operating license is granted exclusively by decision of the Minister of Infrastructure and Transport. For water surfaces that have been subject to the

Natura 2000 network, the operating license is granted by a joint decision of the Ministers of Infrastructure and Transport and of the Environment and Energy.

2. A waterway operation license is granted only to bodies based in Greece or the EU or to natural persons who have their residence in Greece or in the EU. In this case, par. 2 of article 18 of law 1815/1988 (A 250) is applied accordingly. In the case of an application for an operating license by a person having his domicile or registered office in a country within the European Union, the application shall designate a representative and his alternate, residing or domiciled in the country, and shall state the following details: name, surname, ID No, Tax Identification Number, Tax Bureau, address and contact telephones. In case of death of the subpoena, it is replaced within two (2) months.

3. A waterway operating license is granted to a public or private body. In case of granting an operating license to a S.A., LLC, General Partnership, Limited Partnership, or in a private capital company (PC), the managing director and each member of the board of directors in the public limited company and each partner and manager in the others must:

- a) To be at least 18 years of age
- (b) has not been irrevocably sentenced to any crime for crimes of disobedience, statelessness, insults to the state, treason, insults against the free exercise of civil rights, against state power, against sexual freedom and sexual exploitation of sexual life, criminal organization, terrorist acts, counterfeiting, forgery, infidelity about service, breach of confidentiality of telephone and oral communication, theft, embezzlement, extortion fraud, infidelity, bribery or extortion, oppression, drugs, animal theft, smuggling and crimes of arms and explosives, whether or not the conviction is recorded in the criminal record of the applicant;
- c) has not served a sentence of imprisonment of more than six (6) months for a crime committed with intent;
- d) not to be temporarily detained or irrevocably referred to trial for a felony or offense of case bd or not to have been convicted even with a final decision for a felony or offense of case bd. This impediment is valid until an irrevocable acquittal is issued,
- e) he has not been deprived of his civil rights, even if the time set for their deprivation has expired,
- f) he has not been under judicial protection,
- g) has not been dismissed from public service for a disciplinary misconduct related to the offenses of case bd;
- (h) not be a manufacturer or trader of weapons, ammunition or explosives.

If the operating license is requested by Ltd. or PC, in the relevant contract concluded between the holder of the establishment license and the above companies, the condition is obligatorily set that the natural persons who hold jointly for the obligations of these companies, deriving from the operating license their shares or units.

4. The following supporting documents are required to verify the conditions of paragraph 3:

- a) Responsible statement of article 8 of law 1599/1986 with a visa of the original signature, with which the interested party declares that:
 - aa. is not deprived of the conditions referred to in cases 5, 3 and 8 of paragraph 3,
 - bb. has not been remanded in custody or has been irrevocably remanded in custody or has not been convicted, even by a final judgment, of a felony or offense in subparagraph (b) of paragraph 3;
- yy. has not been irrevocably sentenced to imprisonment for more than six (6) months for a crime committed with deceit,
- b) a copy of the Criminal Record for judicial use, the date of issue of which is not more than three months from the date of its submission (ex-officio search),
- (c) a certificate from the Court of First Instance that he is not under legal assistance, the date of issue of which is not more than three months from the date of its submission (ex-officio search).

Article 7 Waterway licensing service

1. The competent department for the receipt of the application, the promotion of the procedure and the suggestion for the issuance of the license for the establishment of a waterway or the license for the operation of a waterway is the Air Transport Division of the General Secretariat of Transport.

2. The Air Transport Division . is responsible in particular for:

- (a) The receipt of the application and the supporting documents constituting the technical documentation, as referred to in Articles 9, 11 and 13 depending on the waterway permit;
- b) the examination of the completeness of the technical file and the completion of the necessary supporting documents by the interested party, if the file is not complete,
- (c) the transmission of a copy of the application and supporting documents, including the Waterway Manuals, to the competent Ministries and the competent departments, as referred to in Article 12;

- (e) the recommendation to sign a decision granting authorization under the conditions laid down in Article 12;
- (f) the planning and carrying out of regular and extraordinary inspections of waterways in accordance with Article 14;
- (g) informing the interested party at regular intervals about the stage of the relevant procedures and the reasons for the delay or inability to obtain a permit.

Article 8 Waterway technical dossier

1. The technical file, depending on the waterway permit (establishment or operation) requested by the person concerned, shall contain, respectively, the supporting documents referred to in Articles 9 and 11. The technical file is submitted in its entirety in electronic form in ten (10) copies. In addition, it is submitted in printed form and includes the following:

- a) Full details of the interested party. If the applicant is a legal entity, a list of its legalization documents, such as the letter of recommendation, as well as its articles of association and amendments, up to the date of submission of the application, shall be submitted;
- (b) a copy of the declaration of commencement of works or the declaration of change of works, submitted to the competent tax authority, concerning the establishment or operation of a waterway. Alternatively, a certificate from the Chamber of Commerce and Industry (One-stop-shop for setting up companies) may be submitted, listing the details, representatives and activities of the company regarding the establishment or operation of a waterway,
- c) proof of payment. A fee is paid in favor of the Ministry of Infrastructure and Transport for the examination of an application for a waterway permit. By a joint decision of the Ministers of Finance and Infrastructure and Transport, issued after a proposal of the Department of Air Transport (Air Transport Division .), a different amount of the above fee can be determined depending on the population and the tourist development of each region,
- d) the details of the legal representative and the proxy, if required; e) nautical chart of the largest possible scale of the Hellenic Navy Hydrographic Service (HNHS), on which the water surface must be clearly visible the which the applicant wishes to use as a waterway, the area of maneuver of the waterway, the points of mooring of the aircraft, alternative geographical locations (geographical locations) and the relevant excerpts from the "Greek Coast Navigator", published by the HNHS for

the requested area. It is submitted in eleven (11) copies. Corresponding maps are submitted in seven (7) copies for a lake waterway,

f) maps in five (5) copies, of the Hellenic Military Geographic Service (HMGS) scale 1: 5.000 and 1: 50.000, on which the maneuvering area of the waterway and the mooring points of the aircraft must be recorded, as well as and the area around it within a radius of 2,500 meters with isosceles. Any reference to the (geographical) coordinates of the maneuvering area must be made in the W.G.S.-84 system,

g) horizontography in six (6) copies of the waterway area of appropriate scale, at least 1: 500, in order to clearly depict the building infrastructure and port facilities, existing and proposed new projects, the waterway fence, as well as the aerodrome locations. The drawing also shows the flow chart of passengers, luggage and cargo as they enter the waterway until boarding and when disembarking as they leave the waterway,

(h) a plan of an appropriate scale of the infrastructure of the waterway which shows the areas of passenger waiting, passport or identity document control, passenger control, hand luggage and baggage delivery and generally any space intended for the handling of passengers, baggage and cargo during their arrival. In addition, the plan will display the safety equipment for the control of passengers, hand luggage, luggage or cargo with a relevant description. It is submitted in six (6) copies. Also, a responsible statement of a competent engineer is submitted, which describes in detail the legality of the building infrastructure and facilities of the waterfront and which is accompanied by copies of the relevant administrative acts and approvals. The above declarations are checked by sampling, after a relevant request of the Committee of Waterways to the competent department. In the case of an installation located in or adjacent to an area in which special approval is required, such as the approval of the Archaeological Service or the Architecture Council, the relevant approval shall be submitted,

i) decision of the administration, operation and exploitation body of the port in accordance with the provisions of article 24 of law 2971/2001 or of the competent body for concession of use of space as a seaport within the port zone or corresponding decision of the competent body for concession of use of coastal space or continuous or adjacent to the coastal marine area outside the port or shore zone or contiguous of the riparian shore zone of the lake, if a concession is required. The concession of the right to use the seashore, beach, continuous or adjacent sea area or the seabed, as well as the concession of the shore and / or shore of the riparian zone of the lake or the bottom of the lake for the

development of a seaport is made by decision of the Minister of Finance. article 14 of law 2971/2001 in combination with article 31 of the same law in case of an application in which the intention to submit an application for a waterway establishment permit is stated. The decision of the previous paragraph is valid for one (1) year and is extended indefinitely in case of obtaining the establishment license, while it is revoked in case of rejection of the application. In case of lakes where there is a management body, the granting of the right of use for the creation of a waterway is done as above by the management body of the lake,

j) in areas where there is a defined Land Port Zone (Χερσαία Ζώνη Λιμένα), topographic diagram in two (2) copies, the coordinates of which are dependent on the State Network (EGSA 87), considered by the administration, operation and operation of the port, which reflects: aa) the boundaries of the seashore-beach and the Land Port Zone., as well as the Government Gazette in which the determination decision has been published in.

bb) existing port facilities and proposed new projects;

cc) the area of the space to be granted,

(dd) ship anchorages;

ee) the existing uses and activities of the port;

k) an act of concession of the space for the operation of a waterway to the applicant, with a detailed description of the geographical coordinates of the boundaries of the waterway area;

(l) a business plan for the establishment, organization and operation of the waterway, describing, inter alia, the objectives pursued, the means necessary, the possibilities for development and forecasts for use on an annual basis, the determination of total costs and the method of financing the individual actions, as well as the assessment of financial flows over a period of three years, signed by the legal representative of the waterway,

m) proof of filing of an Environmental Impact Assessment ("Μ.Π.Ε.") file, which shows the competent environmental authority and the number of the receipt protocol or a copy of the Decision of Approval of Environmental Conditions ("Decision of Approval of Environmental Conditions"), if the waterway has already been environmentally licensed. If the watershed is of category B and is subject to Standard Environmental Commitments, the current legislation for the approval of EIAs is followed,

n) Water Aerodrome Manual, which generally states the organizational structure and operating procedures of the waterway. It shall be submitted in two (2) copies, in accordance with Annex I,

- o) Water Program Security Program, which describes the methods, procedures, as well as the necessary personnel and equipment for the safe operation of the waterway from illegal actions in accordance with the NCASP. It shall be submitted in four (4) copies, in accordance with Annex II,
 - p) "Emergency Plan", which contains the ways of action of the waterway operator in cooperation with the stakeholders to deal with waterway emergencies. It shall be submitted in three (3) copies, in accordance with Annex III,
 - q) draft waterfront contract, which definitely includes the contract period, which can not be less than five (5) years, the possibility of extension and modification, the terms and conditions of operation and maintenance of infrastructure, the price to be paid, the terms of termination of the contract and commitments in case of transfer of the waterway establishment permit.
2. The above supporting documents are written in the Greek language. Certificates issued abroad are accompanied by an official translation by the Translation Service of the Ministry of Foreign Affairs or by a lawyer in Greek. If in some country the supporting documents defined herein are not issued or they do not cover all the cases, they are replaced by a responsible statement of the applicant, with a visa of the original signature by a public authority.
3. The Waterway Operation Manual is approved by the Commander of the Hellenic Civil Aviation Authority (HCAA -"Civil Aviation Authority.") when it comes to a waterway operation license.

The Waterway Safety Program is approved by the Commander of the Civil Aviation Authority after the consent of the Director of the Security and Policing Division of the Hellenic Coast Guard Headquarters (HCG) Or the Chief of Staff Hellenic Police for issues involved, depending on the operation of the seaport in a sea area or lake respectively. The Emergency Response Plan is approved by the Commander of the Civil Aviation Authority after the consent of the Chief of Staff. - HCG or the Head of the Order Branch of the Hellenic Police Headquarters for issues involved, depending on the operation of the seaport in a sea area or lake respectively, as well as the Fire Brigade for matters within its competence, as well as the General Secretariat for Civil Protection. The operator is obliged to keep at the waterfront copies of the approved Waterfront Manuals, stamped by the competent services of the Civil Aviation Authority. The Waterway Manuals, after their approval, are amended by a similar act of the above competent authorities:

- (a) Due to an amendment to international requirements relating to waterway issues;

- b) at the request of the legal holder of the operating license which is examined and approved or not, within three (3) months from its submission.
- c) due to change of their data.

Article 9 Application for a waterway permit

1. For the granting of a waterway establishment permit, the interested party submits an application to the Department of Air Transport. The application is accompanied by a technical file, which contains in printed and electronic form the supporting documents of the cases 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15 and 16 of paragraph 1 of Article 8.
2. The Water Aerodrome Manual of indent n) of paragraph 1 of Article 8 describes in general the organizational structure and operating procedures of the waterway in accordance with Annex I. The granting of a waterway establishment permit requires the prior approval of the Operating Manual. the Civil Aviation Authority with the aim of speeding up the final approval in the process of granting the waterway operating license.
3. The Aerodrome Security Program of case oi of paragraph 1 of article 8 describes in general the methods, procedures, the necessary personnel and the equipment for the safe operation of the aisle from illegal actions according to the National Civil Service Security Program. A model of the program is included in Annex II.
4. The Emergency Plan of the case (p) of paragraph 1 of Article 8 contains in general the ways of action of the operator of the waterway in cooperation with the bodies involved in each case and category of emergency, in accordance with Annex III. .

Article 10 Fee

The amount of the fee in case c) of paragraph 1 of article 8 amounts to two thousand five hundred (2,500) euros.

Article 11 Application for a waterway operating license

1. For the granting of a waterway operation license, the interested party submits an application to the Air Transport Division . The application is accompanied by a technical file, which contains in printed and electronic form the supporting

documents of the cases 1, 2, 3, 10, 14, 15, 16, 17 and of paragraph 1 of article 8, as well as the approved Decision of Approval of Environmental Conditions or Standard Environmental Commitments

2. The Water Aerodrome Manual of indent n) of paragraph 1 of Article 8 describes in detail the organizational structure and operating procedures of the waterway, as well as the personnel required in accordance with Annex I. For the granting of a waterway operating license approval of the Operation Manual by the Civil Aviation Authority Commander is required.
3. The Security Program of the Aqueduct (Security Program) of case o) of paragraph 1 of article 8 describes in detail the methods, procedures, the necessary personnel and the equipment for the safe operation of the aqueduct from illegal actions according to the OP. Civil Aviation Authority. A model of the program is included in Annex II. The granting of a waterway operation permit requires the approval of the Safety Program, in accordance with paragraph 3 of Article 8.
4. The Emergency Plan of the case (p) of paragraph 1 of Article 8 contains in detail the ways of action of the operator of the waterway in cooperation with the bodies involved in each case and category of emergency, in accordance with Annex III. The issuance of a waterway operating permit requires the approval of the Emergency Response Plan in accordance with paragraph 3 of Article 8.

Article 12 Procedure for examining applications - issuing permits

1. With the submission of the application and the technical file and with the condition that the technical file is complete, the Air Transport Division ., which undertakes the communication between the interested parties and the services, controls the observations and the time responses, informs the persons in charge of all services and sends within five (5) working days a copy of the file to the following public services:
 - a) To the General Staff of the National Defense (GEETHA), in order to examine in consultation with the General Staffs (GE) of the Branches of the Armed Forces whether the granting of the permit affects the operational functions of the Armed Forces or other parameters of national defense,
 - b) to the competent Services of the General Secretariat of the Ministry of Shipping and Island Policy to examine, in the context of their responsibilities, the suitability of the maritime area in terms of the protection of the marine environment, safety and policing, the safety of navigation, as well as the Safety and Emergency Plan of the submitted waterway,

- c) to the competent Services of the General Secretariat of Ports of Port Policy and Maritime Investments of the Ministry of Shipping and Island Policy, to examine issues of concession of port areas, determination of port zones and compatibility of the proposed projects or activities), but also in general their compatibility with the operation of the port. In the case of lake waterways, the competent shore, riparian and lake water management services shall consider concession and compatibility issues of the proposed projects with other lake activities,
- d) to the competent Directorates of Airports, Civil Aviation Safety from Legal Actions and the Air Navigation Regulatory Service of the Civil Aviation Authority to determine, based on the requirements (Standards and Recommended Practices) of Annex 14 of ICAO Volume I, suitably adapted to meet waterways, runway physical characteristics, runway location, check obstacle release levels, define emergency response procedures, identify or define controlled areas and procedures to examine the possibility of managing the circulation of seaplanes in the requested watershed area, to determine the terms and conditions of flight operations, as well as to examine the submitted watershed manuals, ie the Aqueduct Operation Manual (Aerodrome Manual), the P. The Water Program (Security Program) and the Emergency Plan,
- e) the services of the Ministry of Citizen Protection responsible for civil protection, in order to examine:
- aa) the suitability of the area in terms of order and security,
- (bb) matters relating to the Schengen Agreement. In particular, the Directorate for Border Protection is responsible for passport control issues and the Directorate for International Police Cooperation is responsible for Schengen information system issues.
- cc) the Security Program and the Emergency Plan in case of a lake waterway.
2. The Services of paragraph 1 after the examination of the file on the issues of their competence and within a period of forty five (45) working days:
- a) send to the Air Transport Division ., a reasoned opinion of acceptance or rejection of the file or suggestions and restrictions within the framework of their responsibilities;
- b) the Air Transport Division . transmits a document to the interested party in case of suggestions and restrictions from the services of paragraph 1. The interested party, in order to continue the procedure, must make the necessary modifications and resubmit to the Air Transport Division . the relevant supporting documents of the dossier modified or supplemented in accordance with the instructions and restrictions. In this case, the procedure shall be followed again and with the same

time limit of paragraph 1 until the sending of the final reasoned opinion of acceptance or rejection of the file.

3. With the submission of the application and the technical file, the Air Transport Division . transmits within five (5) working days a copy of the file to the competent environmental authority, only if the project has an A.E.P.O., to check the compatibility of the provisions of the relevant A.E.P.O. with the content of the technical file based on the location, infrastructure and characteristics of the waterway, within a period of twenty five (25) working days.

4.a) If the waterfront has not already been environmentally licensed, in parallel with the evaluation process of the file, the evaluation process of the EIA is promoted. for the issuance of a Decision for the Approval of Environmental Terms (A.E.P.O.), independently for the seaport and independently of the port, in accordance with the provisions of law 4014/2011 and DIPA / ec. 37674/2016 of the decision of the Minister of Environment and Energy (B '2471), as in each case.

b) For the operation of a waterway in a port owned by Environmental Conditions Decisions Approval, the interested party, through the body of administration, operation and operation of the port, submits an application for modification of Environmental Conditions Decisions Approval. of the port, in order to incorporate in it the terms, restrictions and conditions for the establishment of the facilities and the operation of the waterway, according to article 6 of law 4014/2011.

c) In any case, the interested party must inform the Air Transport Division . and the Air Transport Division . must, respectively, inform the competent environmental authority of any modification of the waterway infrastructure and characteristics during the examination of the technical dossier by the services referred to in paragraph 1, in order for the competent environmental authority to examine the updated dossier for its environmental permitting. The environmental authority must inform the Air Transport Division . for any modification of the infrastructure according to the characteristics of the waterway, in order for the competent services of paragraph 1 to examine the updated file, indicating with precision, completeness and supervisory way all the changes in relation to the initial application.

d) The issue of A.E.P.O. is a condition of licensing and is notified to Air Transport Division . by the competent environmental authority.

e) In case the project belongs to category B and is not environmentally licensed, the Standard Environmental Commitments (PPP) are incorporated in its operating license. Within six (6) months from the publication of the present, by a decision of the Minister of Environment and Energy and the co-competent ministers, the

provided PPD are determined, as well as any other necessary details for their implementation. Until the issuance of a decision on the EPP, the procedure of article 8 of law 4014/2011 is followed, as in force. 5. Based on the reasoned opinions of acceptance or rejection of the file of services of paragraph 1, the Air Transport Division . within five (5) working days from the end of the deadline of paragraph 2, issues a certificate of acceptance of the file or rejects the file with reasons, informing the interested party and the competent environmental authority, in case the project has not already been environmentally licensed. In case of rejection, the competent authority suspends the evaluation of the EIA. and returns it to the interested party. 6. (a) Following the issuance of the certificate of acceptance of the dossier for the granting of the waterway establishment permit or the waterway operation permit, the person concerned shall ensure that the equipment requirements of Article 16 are met so that the waterway is ready for operation and meets the conditions of the present, and informs in writing the Air Transport Division . for the above. The Air Transport Division . notifies the Waterway Committee of article 14, which carries out an inspection of the waterway within twenty (20) working days.

b) If it is established by the inspection that:

aa) The waterfront meets all the legal requirements, the Commission sends its conclusion to the Air Transport Division . suggests within seven (7) working days from the receipt of the conclusion for the issuance of a decision of a waterway permit of paragraph 1 of article 7,
bb) the waterway does not meet the legal requirements, the Commission sends its conclusion to the Air Transport Division ., which issues without delay a reasoned negative administrative act.

c) The interested party may request a new inspection after the completion of corrective interventions on the findings of the negative administrative act. When submitting an application for a new inspection and for its admissibility, a fee is paid to the account of article 8 in favor of the Ministry of Infrastructure and Transport, the amount of which amounts to five hundred (500) euros. Upon submission of the request, the receipt of payment of the fee is also submitted. By joint decision of the Ministers of Finance and Infrastructure and Transport, the above amount of the fee may be modified.

7. During the inspection and depending on the type of waterway permit, the following shall be checked in particular:

- (a) The observance of the Waterway Manuals provided for in Article 8, as referred to and which have been pre-approved or approved in accordance with the permit referred to in Article 9 or 11;
- b) infrastructure in facilities,
- (c) the existence and proper functioning of the equipment provided for in Article 16, including security equipment against unlawful acts to ensure the implementation of the safety procedures provided for in the Aquatic Safety Program;
- (d) the integrity of the installations required for their safety and functionality.

8. After sending to Air Transport Division . positive conclusion of the committee for the establishment or operation of the waterway and if it has been environmentally licensed, the Air Transport Division . suggests within a period of seven (7) working days the decision of paragraph 1 of article 7 for the issuance of a license. Following the issuance of the decision referred to in paragraph 1 of Article 7 (waterway operating license), flights to and from the licensed waterway shall be commenced. The operator informs the Air Transport Division . at least fifteen (15) days before the start of flights.

9. Competent officials who violate the deadlines set out in paragraphs 1, 2, 3, 4, 5, 6 and 8 shall be subject to disciplinary action. Failure to process within the above deadlines, constitutes an independent disciplinary offense against the guilty supervisors and employees, which carries a disciplinary penalty of a fine equal to the salary of two (2) months.

Article 13 License duration - license modification of details

1. The permit for the establishment of a waterway is of indefinite duration.
2. The operating license is revoked, if for two and a half (2.5) consecutive years the waterway does not present a flight project.
3. The duration of the waterway operation license is determined by the contract between the holder of the establishment license and the one who, after a tender procedure, in accordance with the award rules of Law 4412/2016 (AD147) or Law 4413/2016 (A 148) on a case-by-case basis, which obligatorily includes the operation of a waterway and not only the lease of space, receives the operating license, as mentioned in the announcement. A duration of less than five (5) years cannot be defined.
4. Irrespective of the period of validity of the permit, the person concerned shall not be released from the obligation to immediately renew individual certificates

with a shorter period of validity than that of the waterway permit, which must always be maintained in force.

5. For any change in the face of the beneficiary or for any modification of the characteristics of the waterway, including the equipment and the waterway manuals, an application is required to the Air Transport Division . and approval by the relevant services before their change, implementation or application.
6. For any change in the legal form of the company or the natural person holding a waterway permit, a new permit is required with the presentation of only the changing supporting documents.
7. Each competent service must inform without delay the Air Transport Division . for the renewal of individual certificates and to send the relevant supporting documents in case of their modification, in order to update the technical file of the license of each waterway.
8. The operator, in case of cessation of the waterway operation, informs in advance the Air Transport Division . at least twenty five (25) working days before the scheduled date of closure of the waterway.

Article 14 Waterway Committee - waterway inspections

1. A Waterway Committee is established at the Ministry of Infrastructure and Transport, in which the following participate:
 - a) One (1) employee of the Airports Directorate of the Civil Aviation Authority, as chairman, with his deputy,
 - b) one (1) employee of the Civil Aviation Security Directorate from Legal Actions of the Civil Aviation Authority (Law 4427/2016, AD 188), with his deputy, c) one (1) representative of the Ministry of Shipping and Island Policy, with his deputy,
 - d) one (1) officer of the Border Protection Directorate,
 - e) one (1) representative of the Fire Brigade,
 - f) one (1) representative of the General Secretariat for Civil Protection,
 - g) one (1) officer of the General Police Directorate of Athens or Thessaloniki or of the competent Police Directorate, as a representative of the Ministry of Citizen Protection for inspections of the case ei of paragraph 1 of article 12 for inspections of waterways that will operate exclusively in lakes, and in addition to the responsibilities of the Coast Guard - Hellenic Coast Guard (LS - EL.AKT.), with its deputy.

In cases of co-responsibility for the licensing of a waterway in an area or area important for the safety of the country or public safety in the Waterways

Committee may participate one (1) representative of the State Security Directorate of the Hellenic Police Headquarters as well as one (1) representative of General Staff of National Defense and in inspections in maritime areas, after in-service consultation with the Coast Guard - Hellenic Coast Guard and the Air Transport Division .,

h) the participation of the Committee of Seaports and one (1) representative of the competent air traffic unit in the area of responsibility of which the seaport will be established is allowed upon the recommendation of the Air Navigation Regulations Directorate of the Independent Civil Aviation Authority. For the secretarial support of the Committee, an employee of Air Transport Division . is appointed by the Minister of Infrastructure and Transport. The Waterways Committee is established by a decision of the Ministers of Interior, Infrastructure and Transport and Shipping and Island Policy.

2. a) The task of the Commission is the control and inspection of waterways, as well as any other responsibilities as it arises from the existing provisions.

(b) In the event of a re-inspection under indent c) of paragraph 6 of Article 12, as well as any re-inspection following an extraordinary or regular inspection in which a non-compliance with the terms and conditions of operation of a limited scale has been found, the committee may only its members who, due to their specialty, will ascertain the completion of the corrective interventions. These members shall be appointed by unanimous decision of all members of the Commission at the conclusion of the initial inspection and in any case may not be less than three (3).

3. By decision of the Ministers of Civil Protection, Infrastructure and Transport and Shipping and Island Policy, in addition, any issue related to the operation, composition, term and responsibilities of the Commission, the replacement of its members, the manner of conducting audits and inspections.

4. There is no additional fee for the participation of the members in the Water Committee.

5. The travel and subsistence expenses of the members of the Commission shall be borne by the services from which they come for the required pre-licensing inspections and for the regular inspections provided for, and if the holder of a waterway permit requests a change in the supporting documents of his technical file. Article 8 or the equipment referred to in Article 16, for which it is deemed necessary to carry out an inspection by the competent services.

6. The Waterways Committee shall carry out regular and extraordinary inspections of waterways to verify compliance with their operating and safety conditions. The Air Transport Division . sets the dates of the regular inspections for the Water

Committee, with criteria of operational feasibility and geographical representation of the transport network.

7. In each regular inspection, the Air Transport Division . must inform the operator at least one (1) month before the transfer of the Commission. Extraordinary inspection is carried out at any time without prior notice of the operator.
8. In addition to the inspections carried out by the Seaports Committee, the competent Civil Aviation Safety Directorate from illegal actions of Civil Aviation Authority independently reserves the right to carry out activities for monitoring compliance with safety requirements in the framework of what is provided in the National Quality Control Program of Civil Aviation Safety.
9. The operator of the waterway is obliged to provide all information providing unimpeded access to the facilities and infrastructure for carrying out the inspection. In case of violation of this obligation, by decision of the Air Transport Division ., after a suggestion of the Committee and hearing of the operating body, a fine is imposed from five times to ten times the amount of the fee. In case of recurrence the fine is doubled.

Article 15 Transfer of license - concession of operation

1. (a) The holder of a waterway establishment permit may transfer his permit to another public body. For each transfer of a waterway establishment permit in a sea area, a joint decision of the Ministers of Infrastructure and Transport and Shipping and Island Policy and National Defense is required, following a suggestion of the Air Transport Division . For the transfer of a permit for the establishment of a waterway in a lake, a decision is required exclusively of the Minister of Infrastructure and Transport and National Defense. In case of establishing a license in a local government, the decision for its transfer is co-signed by the Minister of Interior.

(b) Subject to the case, the holder of the waterway operating license may transfer his license to a body that meets the requirements of Article 6. For any transfer of a waterway operating license to a marine area, a joint decision of the Ministers of Infrastructure and Transport is required; and of Shipping and Island Policy, after a suggestion of the Air Transport Division . For the transfer of a waterway operating license to a lake, a decision of the Minister of Infrastructure and Transport is required.

- c) The transfer of the license takes place after the completion of the process of submitting a new application for a license by the interested party. The application includes the supporting documents of the technical file that are modified, as well as a responsible statement of the applicant for the observance and non-modification of the other supporting documents of the technical file that are not contained in the application. The examination of the application shall follow the procedure of article 12, for the transmission of only the amended supporting documents to the competent services.
- d) The waterway operation license is non-transferable and is not assigned for any reason within a period of three (3) years and before the completion of all works. The transfer of shares is prohibited if the holder of the operating license is a legal entity, except for the transfer due to inheritance. The prohibitions of the above paragraphs do not apply in the case that the operating license has been obtained from a public body in accordance with the previous provisions.
2. The holder of the establishment permit may grant to a body entitled to obtain an establishment permit the administration, management, operation and operation of the waterway infrastructure and services, while maintaining the same supervisory and controlling role to the waterway operator, as provided for in the concession agreement. For each concession of the administration, management, operation and exploitation of the infrastructure and services of the waterway, a joint decision of the Ministers of Infrastructure and Transport and Shipping and Island Policy is required, following a suggestion of the Air Transport Division . If the infrastructure belongs to OTA. the above decision is co-signed by the Minister of Interior. For a concession on a lake, a decision of the Minister of Infrastructure and Transport alone is required. For the concession of the administration, management, operation and operation of the waterway infrastructure and services, the application of the holder of the waterway establishment permit or the holder of the operation license is required for concession to a new operator and submission of the concession contract and the required modified supporting documents of the technical file from the new operator. For the examination of the application, the procedure of article 12 is followed for the transmission of only the amended supporting documents to the relevant services.
3. For any transfer or concession a fee is paid in favor of the Ministry of Infrastructure and Transport, the amount of which amounts to two thousand five hundred (2,500) euros. With a joint decision of the Ministers of Finance and

Infrastructure and Transport, issued after a suggestion of the Air Transport Division., the above amount of the fee can be modified.

4. By decision of the Minister of Infrastructure and Transport, a tender procedure may be carried out for the operation or construction of facilities and infrastructure and the operation of a group of waterways. The group includes waterways for which an establishment permit has been issued and the construction of their facilities has been implemented at the expense of public bodies or a water race for which an operating license has been issued in the name of a public body.

Article 16 Waterway operator obligations

The waterway operator is obliged to:

- (a) Apply the provisions of current legislation and provide waterway services on an equal footing to any aircraft;
- (b) follow the instructions of the aviation and port authorities, as well as take the necessary steps in a timely manner to rectify the findings during the security inspections;
- (c) implements the Waterway Manuals approved by the Civil Aviation Authority, to update and modify them according to the instructions of the competent services on a case by case basis;
- (d) monitors with appropriate electronic means (cameras) the water area of the waterway and keeps the movement area of water aircraft free from any obstacle. The electronic means are connected in real time with the Monitoring Center, which is created by decision of the Minister of Infrastructure and Transport in the competent service of the Ministry of Infrastructure and Transport. This decision regulates the terms, access rights and other public services, such as the Civil Aviation Service or the Coast Guard - Hellenic Coast Guard and the General Staffs of the Armed Forces, as well as any other issue related to the operation of the Monitoring Center. Specifically, the waterway must be navigated with the care of the waterway operator at least thirty (30) minutes before each docking or dismantling to remove objects, obstacles, marine recreational facilities, boats, boats, ships and danger to aircraft movement,
- (e) keep and provide to the Civil Aviation Authority, the competent port authority and other competent state services, upon written act of the latter, detailed air traffic data, as well as detailed information regarding the aircraft serviced, the crews, the passengers, the cargo and mail. The competent services shall inform

the waterway operator of the required forms, which are submitted before the start of the flight, as well as of the procedure for their submission,

(f) suspend the operation of the waterway and not allow its use if it finds a danger to flight safety or if it is not possible to provide all the necessary services, means, personnel and equipment for the safe operation of the waterway, informing immediately and by any appropriate means the Accident Investigation and Flight Safety Committee (E.D.A.A.P.), the competent services of the Civil Aviation Service, the Committee for the Report of Safety Incidents (E.Civil Aviation Authority) and the port authority responsible for the security problem identified. The waterfront can be reopened, once the proven removal of the problems that caused its shutdown has been established. The Civil Aviation Service, the Hydrographic Service of the Navy, the Ministry of Shipping and Island Policy and the competent port authority for the issuance of the relevant instructions are informed about the above shutdown and reopening,

g) immediately and by any appropriate means informs the E.D.A.A.P., the competent services of the Civil Aviation Service, the E.Civil Aviation Authority and the competent port authority for any air accident or incident,

h) sends to the USA the aeronautical information provided for their publication in the Greek Aeronautical Information Manual (A.I.P.- GREECE) and in the Hydrographic Service of the Navy for the issuance of a relevant instruction,

i) complies with the applicable environmental conditions or EPC,

(j) ensures the maintenance of the facilities, infrastructure and safety equipment of the waterway and port facilities it uses, taking responsibility for their good condition and safe operation;

(k) provide its services in accordance with the provisions of existing national and Union competition law;

l) maintain in good condition and use the required equipment as follows:

aa) Visual identification mark: this anchor-shaped mark, measuring from four (4) meters long and two and a half (2.5) meters wide to ten (10) meters long and six (6) meters wide, is required to be placed in a suitable area on the ground or other level surface, in accordance with the requirements of the Civil Aviation Authority, so that it is easily visible from the air,

(bb) aerial activity warning lamp: a telephony - activated lamp which is available for use before any landing or disembarkation of an aircraft, to alert adjacent vessels for the commencement of an aircraft activity (arrival or departure of an aircraft). The lamp must be placed in such a position in the area of the waterway

in accordance with the requirements of Civil Aviation Authority and the port authority so that it is easily visible,

(cc) windmill or "T" point: a windmill of suitable dimensions, which must be located in such a position on the seaport in accordance with the requirements of the Civil Aviation Authority and the port authority, so that it is easily visible, even in the event of a reduced visibility. Instead of a windmill it is possible to place a "T" shaped weather vane,

(dd) mooring points: duly and duly certified points for the mooring of water aircraft (bollards) on the floating landing-passenger landing pier, in terms of their stability and strength in relation to the use for which they are intended, taking into account the worse than the weather conditions that usually prevail in that area,

ee) lifebuoys for immediate use: next to the mooring point and the stay of the aircraft, it is required to have in a suitable position three (3) circular lifebuoys of non-inflatable type, with a mooring rope thirty (30) meters long, ready for use at any time,

(f) service vessel: the existence and constant availability of a speedboat with a total length of at least six (6) meters with an outboard engine, sufficient horsepower to have a sufficient cruising speed to ensure the stated maximum response time of 15 minutes at any point in the area with the required permits and equipment, ready to use at any time. In addition to the above, the service vessel must have adequate rescue equipment for all the occupants of the seaplane, as follows: i) Portable automatically foldable raft of 12 persons, ii) breathing apparatus (minimum 10 pieces), iii) isothermal first aid blankets (24 pieces), iv) 6 kg portable foam fire extinguishers (2 pieces), v) circular life jackets (4 pieces),

gg) portable fire extinguishers: right next to the water aircraft parking point there must be hand-held fire extinguishers of approved type, suitable for use in fire of liquid fuels and electrical equipment, at least three (3) per category, with a capacity of at least twelve (12) kilos of land powder for liquid fuels and six (6) kilos of carbon dioxide (CO₂) or twelve (12) kilos of powder for electrical equipment,

hh) means of limiting marine pollution: access to suitable floating dams, approved type according to the decision 3221 / 2.1.1999 of the Minister of Shipping and Island Policy (BD 76), to limit the leakage of fuel or oil into the water and, to suitable absorbers pollution control materials, approved type, according to the joint decision 1218.91 / 1997 of the Ministers of Environment, Spatial Planning and Public Works, Health and Welfare and Merchant Shipping (B '951),

ii) magnetic gate (WTMD) for passenger safety control and X-ray device for luggage and hand luggage safety control or as specified by the Civil Aviation Authority after a risk assessment according to what is provided in the Civil Aviation Security Program and depending on the type of waterway.

Article 17 Conditions for flight

Landing and unsealing of aircraft at waterways is permitted under the following conditions:

- (a) Flights shall be operated under observation flight rules (VFR) during the day and under observation meteorological conditions (VMC), provided that the departing aircraft have submitted the flight plan provided by the regulations. Immediately after landing, they close the flight plan, according to what is stated in the Greek Aeronautical Information manual. The provision of flight and alert information service from the on-boarding of the aircraft to the onshore landing is exercised by the competent services of the Civil Aviation Authority and is governed by the legislation concerning the Civil Aviation,
- b) if the waterway is located within the Terminal Area (TMA) or Control Zone (CTR) of the Territory airport then:
 - (aa) The aircraft, before entering the Terminal Area or Control Zone, shall contact the competent air navigation service provider to obtain the relevant permit and to receive information and instructions for its flight within it;
 - (bb) before the departure of the aircraft receives the relevant approval from the competent air navigation service provider of the respective Terminal Area or Control Zone, as well as the relevant information for the route to be followed;
 - (cc) the Civil Aviation Authority's air traffic control services are responsible for providing flight information only in relation to the known air traffic within the Terminal Area or Control Zone and not in relation to vessels which may operate in its area. waterway.

Article 18 Movement on the water and communications

1. The movement of the aircraft on the surface of the water is carried out in accordance with the provisions of D.K.A.S. and the Port Regulations on a case-by-case basis.
2. Telecommunications between the pilot-in-command of the aircraft and the relevant authority or service, as appropriate, whose personnel are suitably

trained, shall be made by two-way radiotelephone connection (Maritime-Air Frequency Very High Frequencies - VHF).

Article 19 Prohibitions - Restrictions

In the area of maneuvering of any waterway, it shall be prohibited without the permission of the competent maritime port authority or the competent lake water management authority:

- (a) Navigation during aviation,
- (b) mooring of ships and all types of vessels during the day;
- (c) fishing and landing of fishing gear at a distance of less than five hundred (500) meters during the air day;
- (d) swimming and any kind of underwater activity;
- (e) onshore and offshore without prior approval by the relevant port authority;
- (f) harassment in any way or by any means, such as lighting or optical signals, radio frequency interference or interference used between the competent air navigation service provider and aircraft, remote control of unmanned aircraft or other aircraft and flying objects or non-aircraft and objects, the taking off, landing on water, and in general the movement and circulation of aircraft, as well as the smooth operation of the waterway.

Article 20 Insurance

1. The operator is obliged to submit to the Air Transport Division. Certificate of insurance coverage of a recognized body operating legally in Greece or in the EEA of the risks of illegal actions, according to Hellenic Civil Authority Regulations.

2. The waterway operator is obliged to cover with private insurance a recognized entity that operates legally in Greece or in the EEA, the risks of its civil liability and those added for damages or losses to third parties from its operation. The certificate of insurance coverage states the minimum individual and total insurance amounts. If an operator operates more than one waterway, it may issue a comprehensive insurance policy that includes all waterfronts that are operating and modify it, in the event of a new introduction or deletion of an existing one.

3. The last paragraph of par. 1 of article 8 of law 2912/2001 (A 94), as replaced by par. 2 of article 46 of law 4146/2013 (A 90), is replaced as follows : "In case of an accident or a serious incident related to the use of a water aircraft within the limits

of local jurisdiction of the Hellenic Coast Guard. The investigation team may include an executive of the Hellenic Maritime Accident and Incident Investigation Service established by Law 4033/2011 (A 264), which is defined by joint decision of the Ministers of Infrastructure and Transport and Shipping and Island Policy.

Article 21 Waterway services tariffs

The waterway operator shall determine the tariffs for the services provided by it for seaplane and passenger services. The relevant price list of services is notified to the Air Transport Division . Address of the Ministry of Finance.

Article 22 Waterway operation fees

1. For each passenger departing from a seaport, the seaplane company that operates the flights shall pay a fee in favor of the Ministry of Infrastructure and Transport equal to five percent (5%) of the net fare corresponding to the specific route. The same amount is paid for each passenger in the case of a total aircraft charter, regardless of the amount paid. A joint decision of the Ministers of Finance, Infrastructure and Transport and Shipping and Island Policy determines the manner and time of payment of the fee, as well as the sanctions in case of overdue, inaccurate or non-payment of the fee.
2. By decision of the Minister of Infrastructure and Transport, a fee per flight leg is established, in favor of the Ministry of Infrastructure and Transport and the obligors of the fee, the manner and time of its payment, the exemptions from the fee, as well as the penalties in case of overdue , inaccurate or non-performance of the fee.
3. Revenues from the fees referred to in paragraphs 1 and 2, as well as from the fees, shall be used for the construction of waterways, electronic systems, to cover the costs of the Waterway Commission and to equip the services which assist the operation of waterways, and the subsidization of seaplanes to destinations on remote islands or limited passenger traffic.

Article 23 Training of waterfront personnel

The waterfront staff must be properly trained to be able to perform their duties safely, as described in the current legislation and in the waterfront manuals. Training for the waterfront operating staff is provided by the Civil Aviation Authority. The training can also be provided at airports outside Athens, by decision of the Civil Aviation Authority. The material of the training is determined by the relevant Directorate of the Civil Aviation Service in consultation with the competent services of the Ministry of Shipping and Island Policy.

Article 24 Aircraft refuelling

1. The specifications of the fuel installations at the waterways, as well as the respective procedures for supplying the aircraft with fuel, are determined by a joint decision of the Ministers of Infrastructure and Transport and Shipping and Island Policy, after cooperation of the competent services of the Ministry of Infrastructure and Transport, Environment and Energy, the General Secretariat of Ports, Port Policy and Maritime Investments of the Ministry of Shipping and Island Policy and the Civil Aviation Authority, after taking into account the fire safety and aircraft supply regulations and the relevant provisions of port regulations.

2. With the care and expenses of the waterway operator, in compliance with the fire safety and refueling regulations of the aircraft, as well as the rules of environmental protection and the relevant provisions of the port regulations, the refueling of aircraft is done:

a) Either from fuel installations at waterways,
b) either by mobile storage media from a certified aircraft supply company or under the responsibility of the pilot in accordance with the provisions in force, such as D3 / C / 12041/2861 / 3.6.2011 Regulation of Refueling aircraft at airports of the Civil Aviation Service (B' 1109).

3. The supply of aircraft with fuel subject to E.F.K. and VAT governed by the provisions of the Union, national customs and VAT. legislation. The customs procedure for refueling aircraft is determined by the applicable regulatory framework.

Article 25 Flight ban and waterway operating license revocation

1. In the event of a breach of the terms of operation of the waterway and of matters relating to airport control, air traffic control, flight safety and civil aviation

security by unlawful acts, public security, customs and customs control and national defense, and Articles 6 and 16 may be imposed the prohibition of flights by decision of the port or aviation authority or the Commander of the Civil Aviation Service, depending on the reason for the imposition of the flight ban, following a suggestion of the competent service that finds the violation or the Air Transport Division ., upon a suggestion of the Water Committee. If, within three months of the entry into force of the flight ban, the reason which led to the flight ban has not disappeared, the waterway permit shall be revoked by a joint decision of the Ministers of Infrastructure and Transport and Shipping and Island Policy in the sea area and by decision of the Minister of Infrastructure. and Lake Transport. The revocation of the license takes place after a suggestion of Air Transport Division . and after informing about non-compliance by the competent services that find the violation or by the committee of waterways after inspection.

2. In case of violation of conditions related to security issues and in parallel with the ban on flights, the operating license shall be revoked immediately by a joint decision of the Ministers of Infrastructure and Transport and Shipping and Island Policy in the maritime area and by decision of the Minister of Infrastructure and Lake Transport. on the recommendation of the competent services of the Civil Aviation Authority or the Ministry of Shipping and Island Policy or any competent authority which finds the violation.

3. If the holder of the operating license wishes to revoke it, the waterway license is revoked, after the submission of a relevant written application to the Air Transport Division . by joint decision of the Ministers of Infrastructure and Transport and Shipping and Island Policy in the maritime area and by decision of the Minister of Infrastructure and Transport on the lake. For lakes that have been included in the Natura 2000 network, the permit is revoked by a joint decision of the Ministers of Infrastructure and Transport and of the Environment and Energy. The revocation is valid from now on.

4. In any case of revocation of the waterway permit, the Civil Aviation Authority, as well as the military, police, port, fire or other authorities involved must be informed immediately.

5. In case of revocation of the waterway establishment permit, its operating license is automatically suspended.

6. Public bodies holding a waterway establishment permit may request the revocation of a waterway construction permit only if the waterway operation permit has been revoked.

Article 26 Penalties

In case of violation of the legislation for the avoidance of conflicts at sea, sanctions are imposed in accordance with the provisions of n.d. 93/1974 (A 293), which has entered into force with p.d. 94/1977 (A 30). In case of violation of the legislation for the protection of the marine environment, sanctions are imposed in accordance with the provisions of presidential decree. 55/1998 (A 58).

Article 27 Water bodies

1. The area of the water fields is determined by the competent Directorate of the Navy, at the request of the interested body of the waterway operation license submitted through the Air Transport Division . This area is recorded in the relevant nautical charts and is marked with the appropriate means under the responsibility of the operator. A joint decision of the Ministers of National Defense, Shipping and Island Policy and Infrastructure and Transport shall determine the technical and procedural issues, in particular the specifications and the process of updating the maps, the means of marking, the procedures for contacting the competent authorities and anything else related to them. theme.

2. The use of water areas is permitted under the following conditions:

- a) Provided that the provisions of article 19 of law 1650/1986 (AD 160) are fully observed for the areas defined in it regarding the protection of nature and the landscape,
- (b) the aircraft does not come directly from another country or is not directed directly to another country;
- (c) the aircraft does not come from a water area other than a licensed seaport or airport;
- (d) the flight is operated during the air day;
- e) the pilot-in-command of the aircraft has informed the competent Port Authority by any appropriate means, at least two (2) hours prior to arrival, of the intention to approach the area of its jurisdiction and the above Port Authority has approved the exact onshore / offshore area. of the aircraft from the predetermined water areas of paragraph 1. Furthermore, the pilot-in-command of the aircraft, at its own risk and responsibility, shall be informed in advance by all competent services of any peculiarities and dangers regarding flight and navigation safety regulations and provisions. For emergency flights, such as air travel, fire or decontamination flights and civil protection flights, the competent port authority may be notified

with a shorter notice period, but in good time, so that there is no risk of an accident.

- (f) there is a continuous open communication, via two-way radiotelephone link (shipping-air Very High Frequencies - N / HP), of the pilot-in-command with the competent port authority instructions of the competent port authority or, if he is absent, of the competent port official,
- (g) During take off and landing no flight over human population, vessels and other vessels below the minimum permissible height of five hundred (500) feet shall be attempted during the landing and unsealing of the aircraft;
- (h) during maneuvers on the water surface, the aircraft moves at a safe distance from people, floating boats and other vessels, observing the provisions of D.K.A.S. and the relevant Port Regulations,
- (i) there is a suitable infrastructure or floating vessel near the watercourse for the safe boarding and disembarking of the aircraft passengers. The floating vessel carries out one (1) hour before the onshore and offshore safety of the water field. Under the responsibility of the pilot-in-command, the prescribed procedures for the safety checks of passengers, luggage and cargo are carried out, using portable devices,
- (j) the pilot-in-command shall immediately notify the nearest air traffic service of the closure of the flight plan.

- 3. a) The total number of aircraft movements in a water field may not exceed six (6) pairs, meaning take off and landing, during the same air day.
- b) By decision of the Minister of Infrastructure and Transport, the above number of aircraft movements in a water field may be modified.

4. The pilot-in-command of the aircraft is responsible for the operation of the aircraft in all phases of the flight. In particular, the pilot-in-command is responsible for determining the suitability of the waterfront, calculating the available landing or landing distance, the positions and height of obstacles in the waterfront and adjacent surfaces, and taking every precaution to protect the human life and property.

5. The pilot-in-command of the aircraft is responsible for the safe movement of the aircraft in all phases of the flight from or to the water field. In particular, the pilot-in-command of the aircraft is responsible for the control of the boarding passengers, their hand luggage or luggage, as well as the control of the aircraft areas after the disembarkation of the passengers to determine the absence of prohibited items, according to Annex 4C of TOA1 of NCASP and what is provided in the air carrier safety program approved by the Civil Aviation Authority

6. In the above cases of landing, offshore and watercraft of aircraft in water fields, the pilot and the operator of the aircraft are jointly responsible for:
- a) The application of the provisions hereof,
 - b) any damage caused to persons or things;
 - (c) infringement of the terms and restrictions on air traffic, civil aviation security against unlawful acts, flight safety, customs and tariff control, public safety, national defense and any other unlawful use of water, subject to the sanctions provided for in Article 26.

Article 28 Waterway or water field temporary prohibition

The local Port Authority in charge may prohibit the use of the waterway or the water field if, due to special and unforeseen conditions that have arisen temporarily, there is a danger for navigation and air navigation on water, for as long as these conditions last.

Article 29 Establishment and operation of a waterway by public bodies

If no application has been submitted by another interested body for the establishment and operation of a seaport, the State, as represented by the Minister of Infrastructure and Transport, may establish and operate seaports or for this purpose establish legal entities under public or private law, in which majority of the shares will be held by the State and which will be governed by the provisions of Law 3429/2005 (A' 314).

Article 30 e-Monitoring System for Waterfront Permits

1. The Ministry of Infrastructure and Transport creates an Electronic Waterway Permit Monitoring System (EWPMS), which includes all the information regarding the application process for the issuance of a permit, its renewal or modification and in general monitoring of each relevant waterway document both before and after the issuance of its permit. With the EWPMS The complete and up-to-date technical file of the waterway is always kept.

2. (a) The application and all the supporting documents of the technical file of the waterway, including all the documents during the examination process of the file,

in accordance with Article 12, until the issuance of the relevant licensing decision are registered in the electronic system. Upon submission of the application for the granting of a waterway permit, all the elements of the requested permit and all the elements that compose the technical file of the waterway, in accordance with article 8, are registered in the EWPMS, as the full details of the requested permit, the supporting documents required to verify the conditions of Article 6, the characteristics of the seaport, the nautical chart, the maps of the Geographical Service of the Army, the landscape of the seaport area, the floor plan of the buildings Operation", the "Safety Program", the "Emergency Response Plan", the waterfront contract and the concession contract where required, the data concerning the inspections of the Waterfront Committee and its members, as well as its conclusion.

b) After the issuance of the waterway permit, in the EWPMS. any change in the person of the beneficiary or any modification of the technical documentation, including, in particular, the equipment, the watershed manuals, the renewal of the permit, the flight bans, the sanctions or the fines, and the conclusion of any regular or extraordinary inspection by the Water Committee. The certificate of insurance coverage is also registered before the start of the flight project.

c) By decision of the Minister of Infrastructure and Transport, in addition to what is mentioned in cases a' and b', additional data can be determined for each licensed or to be licensed watershed, as well as any other issue related to their registration in the EWPMS. 3.a) The registration of data in the EWPMS. is done under the responsibility of the interested party and the competent service of article 12. b) The beginning of the examination process of the applications submitted for a waterway permit is done only after the supporting documents of the technical file have been fully registered, in accordance with the provisions of Part A of the law currently in effect.

4. The EWPMS, for the most effective monitoring of the dossier of each waterway, can be functionally interfaced with electronic registers / systems of other bodies of the public or the wider public sector, when available. Until this possibility is activated, the Ministry of Infrastructure and Transport may grant access rights to approved bodies involved in the licensing process, for the purpose of monitoring and immediate processing. With a joint decision of the Minister of Infrastructure and Transport and the competent Ministers, as the case may be, the more specific technical issues concerning the organization, implementation, operation and management of the EWPMS are regulated. and in particular the terms and

technical details of its connection to other applications, the terms and conditions of electronic access and use of part or all of the information by public services, as well as any other issue related to the above.

5. a) H.Σ.Π.Α.Υ. is put into operation within one (1) year from the publication of the decision referred to in paragraph 4. b) Within a period of six (6) months from the commencement of operation of the EWPMS. are registered:

aa. Priority the ongoing applications for a waterway permit, bb. the supporting documents of the updated technical file by the holder of the license for the already licensed waterways, which are checked for their correctness by the competent services,

yy. any new data or documents issued from the start of operation of the EWPMS. for already licensed waterways.

6. Until the commissioning of the EWPMS. the submission and processing of applications for obtaining permits for the establishment and operation of waterways is not hindered.

4.2 *Operating Management Framework & needs*

According to Article 16 of Law 4568/18 the operator of the waterway is obliged to:

(a) Apply the provisions of current legislation and provide waterway services on an equal footing to any aircraft;

(b) follow the instructions of the aviation and port authorities, as well as take the necessary steps in a timely manner to rectify the findings during the security inspections;

c) implements the Waterway Manuals approved by the Civil Aviation Authority, to update and modify them according to the instructions of the competent services on a case by case basis;

d) monitors with appropriate electronic means (cameras) the water area of the waterway and keeps the movement area of water aircraft free from any obstacle. The electronic means are connected in real time with the Monitoring Center, which is created by decision of the Minister of Infrastructure and Transport in the competent service of the Ministry of Infrastructure and Transport. This decision regulates the terms, access rights and other public services, such as the Civil Aviation Service or the Coast Guard - Hellenic Coast Guard and the General Staffs of the Armed Forces, as well as any other issue related to the operation of the Monitoring Center. Specifically, the waterway must be navigated with the care of the waterway operator at least thirty (30) minutes before each docking or

dismantling to remove objects, obstacles, marine recreational facilities, boats, boats, ships and danger to aircraft movement,

(e) keep and provide to the Civil Aviation Authority, the competent port authority and other competent state services, upon written act of the latter, detailed air traffic data, as well as detailed information regarding the aircraft serviced, the crews, the passengers, the cargo and mail. The competent services shall inform the waterway operator of the required forms, which are submitted before the start of the flight, as well as of the procedure for their submission,

(f) suspend the operation of the waterway and not allow its use if it finds a danger to flight safety or if it is not possible to provide all the necessary services, means, personnel and equipment for the safe operation of the waterway, informing immediately and by any appropriate means the Accident Investigation and Flight Safety Committee (E.D.A.A.P.), the competent services of the Civil Aviation Service, the Committee for the Report of Safety Incidents (E.Civil Aviation Authority) and the port authority responsible for the security problem identified.

The waterfront can be reopened, once the proven removal of the problems that caused its shutdown has been established.

The Civil Aviation Service, the Hydrographic Service of the Navy, the Ministry of Shipping and Island Policy and the competent port authority for the issuance of the relevant instructions are informed about the above shutdown and reopening,

g) immediately and by any appropriate means informs the E.D.A.A.P., the competent services of the Civil Aviation Service, the E.Civil Aviation Authority and the competent port authority for any air accident or incident, h) sends to the U.S.A. the aeronautical information provided for their publication in the Greek Aeronautical Information Manual (A.I.P.- GREECE) and in the Hydrographic Service of the Navy for the issuance of a relevant instruction,

i) complies with the applicable environmental conditions or EPC,

(j) ensures the maintenance of the facilities, infrastructure and safety equipment of the waterway and port facilities it uses, taking responsibility for their good condition and safe operation;

(k) provide its services in accordance with the provisions of existing national and Union competition law;

l) maintain in good condition and use the required equipment as follows:

aa) Visual identification mark: this anchor-shaped mark, measuring from four (4) meters long and two and a half (2.5) meters wide to ten (10) meters long and six

- (6) meters wide, is required to be placed in a suitable area on the ground or other level surface, in accordance with the requirements of the Civil Aviation Authority, so that it is easily visible from the air,
- (bb) aerial activity warning lamp: a telephony - activated lamp which is available for use before any landing or disembarkation of an aircraft, to alert adjacent vessels for the commencement of an aircraft activity (arrival or departure of an aircraft). The lamp must be placed in such a position in the area of the waterway in accordance with the requirements of Civil Aviation Authority and the port authority so that it is easily visible,
- (cc) windmill or "T" point: a windmill of suitable dimensions, which must be located in such a position on the seaport in accordance with the requirements of the Civil Aviation Authority and the port authority, so that it is easily visible, even in the event of a reduced visibility. Instead of a windmill it is possible to place a "T" shaped weather vane,
- (dd) mooring points: duly and duly certified points for the mooring of water aircraft (bollards) on the floating landing-passenger landing pier, in terms of their stability and strength in relation to the use for which they are intended, taking into account the worse than the weather conditions that usually prevail in that area,
- ee) lifebuoys for immediate use: next to the mooring point and the stay of the aircraft, it is required to have in a suitable position three (3) circular lifebuoys of non-inflatable type, with a mooring rope thirty (30) meters long, ready for use at any time,
- (f) service vessel: the existence and constant availability of a speedboat with a total length of at least six (6) meters with an outboard engine, sufficient horsepower to have a sufficient cruising speed to ensure the stated maximum response time of 15 minutes at any point in the area with the required permits and equipment, ready to use at any time. In addition to the above, the service vessel must have adequate rescue equipment for all the occupants of the seaplane, as follows: i) Portable automatically foldable raft of 12 persons, ii) breathing apparatus (minimum 10 pieces), iii) isothermal first aid blankets (24 pieces), iv) 6 kg portable foam fire extinguishers (2 pieces), v) circular life jackets (4 pieces),
- gg) portable fire extinguishers: right next to the water aircraft parking point there must be hand-held fire extinguishers of approved type, suitable for use in fire of liquid fuels and electrical equipment, at least three (3) per category, with a capacity of at least twelve (12) kilos of land powder for liquid fuels and six (6) kilos of carbon dioxide (CO₂) or twelve (12) kilos of powder for electrical equipment,

hh) means of limiting marine pollution: access to suitable floating dams, approved type according to the decision 3221 / 2.1.1999 of the Minister of Shipping and Island Policy (BD 76), to limit the leakage of fuel or oil into the water and, to suitable absorbers pollution control materials, approved type, according to the joint decision 1218.91 / 1997 of the Ministers of Environment, Spatial Planning and Public Works, Health and Welfare and Merchant Shipping (B '951),
ii) magnetic gate (WTMD) for passenger safety control and X-ray device for luggage and hand luggage safety control or as specified by the Civil Aviation Authority after a risk assessment according to what is provided in the NCASP and depending on the type of waterway.

4.3 Waterdrome Terminals Control Procedures

According to the provisions of the currently approved Aqueduct Safety Program, the Aqueduct Security Manager will be responsible for monitoring the designated areas of the Aqueduct to which the public has access. The Aqueduct will be controlled by appropriately authorized personnel of an air transport security services provider (ATSSP) within the meaning of Hellenic Civil Authority Regulations duly licensed, which will supervise the passengers and other persons. The above staff of the Operation Authority of the Aqueduct, will have already been checked its training and work history, as a measure of its suitability, so that it has unaccompanied access to strictly controlled areas of the Aqueduct, in accordance with the provisions at Hellenic Civil Authority Regulations. The Central Port Authority will be responsible for checking the employees' history. The areas in which passengers will travel will be separated by the corresponding marking, from those in which checked baggage and mail intended for seaplane transport are transported.

The staff of the Operating Body and the company providing security services ATSSP of the Waterfield when it monitors the premises of the Waterfield, will be obliged to notify without delay the Port Authority or the Greek Police for intervention in cases of threatened or unlawful illegal action.

The Aqueduct will operate from East to Sunset. Therefore, before the start of its operation, every day, all its premises will be searched by the staff of the security services company ATSSP for the detection of any suspicious object.

During the investigation, the person in charge of the audit of the security services company ATSSP will follow a specific method:

- a. Control of all internal and external areas of the Waterway
- b. Visual inspection of quay and floating platform (jetty)
- c. Checking the suitability of the waterway means
- d. Control of waste bins

The above procedure will be recorded daily in the control book of the Aqueduct under the responsibility of the Security Manager of the Aqueduct. In case of identification of a suspicious object, the Security Manager of the Waterfield will be informed immediately, who in turn immediately informs the competent Port Authority and the police about actions.

The incident is recorded in the control book and under the responsibility of the Security Manager, a relevant information notice will be sent to the other licensed Aqueducts.

The staff of the Aqueduct must have clearly posted IDs of the staff of the Aqueduct. The IDs will be issued by the Security Manager (Head of Safety) of the Aqueduct, will have a duration of 3 years and will have a numeric code, employee details, photo and expiration date. The Waterway safety office is obliged to inform the local port authority in writing about the list of the officials of the Waterfront as well as for any change in their composition.

In case of loss of the identity card, the staff must immediately inform the Security Manager (Chief of Security) who in turn informs:

- the rest of the Waterway staff
- the security checkpoints and the staff of the security company
- records the loss, cancels the old ID card and issues a new one

The staff of the Operating Body and the ATSSP of the Waterfield, under the responsibility of the Security Manager (Head of Security) will sign in the control book that they have become aware of the incident.

The Water Safety Office will be responsible for issuing a visitor card. The safety office will be obliged to record the details of the visitors (name, identity number or passport) as well as the times and purposes of the visit in a special logbook that will be kept in the water safety office under the responsibility of the Water Safety Manager.

In order to issue a visitor ID card, it will be necessary to send a prior notice on the part of the visiting institution.

In case of loss of the identity card, the Head of Security will be informed immediately, who will record the event and the conditions of loss in the logbook. It will then hand over a new ID to the visitor.

Procedures followed for the guarding of the facilities and for the access to the premises

The security service personnel of the ATSSP will monitor the premises and its points, as they will wait for the seaplanes to moor. Access to a controlled area and from designated, specific access control points will be restricted to prevent unauthorized persons from entering.

Respectively, the access to the strictly controlled security area and from defined, specific access control points will be controlled by at least two (2) persons of different sex of the ATSSP, in order to ensure the prevention of the entry of unauthorized persons.

The demarcated seaplane parking lot will be constantly monitored by the security personnel of the ATSSP.

When conducting patrols in the areas of the mooring area,, the personnel of the ATSSP will be equipped with means of direct communication. The patrols will be carried out before the arrival and departure of the seaplane, in the mooring area, in the passenger and escort waiting room, at the checkpoints / luggage and luggage and at the exit of passengers to board. During the above patrols, the personnel providing aviation security services will immediately notify the State Authorities (Coast Guard and Police) for intervention, in cases of threatened or manifested illegal or criminal action.

Under the responsibility of the Security Manager of the Aqueduct and where it will be deemed necessary, certified guards of the when conducting patrols in the areas of the Waterfield are appointed for its facilities, as well as for the seaplane parking spaces.

The access control of individuals is established, as well as the process of monitoring them with patrols, which aim to identify persons with suspicious behavior or weaknesses that could be exploited to take illegal action.

Also under the responsibility of the Security Manager (Head of Safety) of the Aqueduct will be the evaluation - identity check and history of the personnel providing aviation security services. These checks will include the check of CVs and seniority documents of employees. The Security Manager (Head of Safety) of the Aqueduct will be responsible for keeping the updated file of each employee.

In any case, the access of persons in a controlled area or in a strictly controlled security area of the Aqueduct will be allowed only to persons who have the provided entrance cards which they will display in case of control.

Passengers' access to a strictly controlled security area of the Aqueduct will be allowed only if they have and show a valid boarding pass.

Procedures followed for the protection of seaplanes

The air carriers will cooperate with the staff of the Water Operation Authority for the protection of their seaplanes.

In a seaplane in operation, the access control and its mooring area will be carried out by those responsible for the safety control of the Aqueduct and until its departure. And in this case, as in the controlled areas, except when the Heads of State, Prime Ministers or other persons (VIPs) are moving around, against whom, at the discretion of the Port Authority or the Greek Police and the administration of the Aqueduct, There is a risk of criminal acts or serious disturbance of the law and order, the seaplanes and their parking lots will be monitored and guarded by the staff of the Central Port Authority or the Hellenic Police, with the assistance of the aviation security personnel.

All seaplanes in operation will be monitored by their crew in such a way that any unauthorized approach of a person or persons to the seaplane can be detected immediately.

Under the responsibility of the air carriers, each seaplane will be protected from unauthorized interference.

The crew of the seaplanes must immediately inform the Security Manager (Head of Safety) of the Aqueduct in case of any anomaly.

Any form of surveillance and guarding of seaplanes, which will spend the night in the parking area of the Aqueduct or is out of operation for several hours, is carried

out under the responsibility of the seaplane operator. In this case, the air carriers will be obliged to make sure that the doors of the cabin of the seaplanes are closed and that all the means of access to it (floating, ladder) have been removed or removed.

With the start of their reopening, under the responsibility of the Aqueduct, the various sites will be investigated to locate any suspicious object.

At the Aqueduct, it is ensured, under the responsibility of the Security Manager of the Aqueduct, that the mooring point of the seaplane will be checked before it is de-sealed and docked, and its surveillance and patrols will not follow a predictable or valid model. staff is checked on a random basis.

In the event of a parked seaplane approaching from the sea by an unauthorized vessel, the air carrier's representative will immediately inform the Security Manager of the Aqueduct, who in turn communicates with the vessel and requests its immediate removal from the parking lot. In case of non-compliance, the Station Manager (General Manager) of the Aqueduct immediately informs the Central Port Authority.

Procedures to be followed for screening of persons other than passengers, vehicles and objects being transported

All persons other than passengers, as well as all items they carry, will be subject to a security check using security equipment, ie a magnetic gate (Standard 1) and an X-ray device before entering controlled areas. in accordance with the provisions of the following paragraphs, in order to ensure that prohibited objects are not transported to the strictly controlled safety area and to the seaplane.

The audit will be performed by certified security auditors of the company approved by D15 ATSSP.

In order to enter the Vital Departments of the controlled safety areas, as defined in the Safety Program (seaplane docking area, passenger and luggage control and handling area) it is required, under the responsibility of the Waterway administration, in addition to access control, to carry out employee safety control. as well as items transported to the same standards of safety methods as those

applicable to passengers and their hand luggage in accordance with Annex 4A of TOA 2.

According to the provisions of Hellenic Civil Authority Regulations, the following will be excluded from the above control: all on-duty security inspectors of D15, police, customs and port officials, as well as the Airport Commander of the State Airport.

All persons except passengers who have undergone a security check and who will temporarily leave Vital Departments may be exempted from the security check on their return, provided that they remain under the constant supervision of authorized persons capable of ensuring that prohibited items will not be imported into these Vital Departments.

ATSSP staff will inspect the interior and exterior of the vehicle prior to boarding and supervise it during standby and boarding.

Procedures followed for passenger safety control

All departing passengers will be subject to a security check under the responsibility of the Waterway Administration. The safety control will be done in such a way as to ensure that the prohibited objects included in the Safety Plan of the respective Aqueduct will not be transported to the strictly controlled safety area and to the seaplane.

Passengers after removing coats, jackets, personal items which will be subjected to security control as hand luggage, will be checked through a magnetic gate, X-ray device and by manual physical control in accordance with the provisions of Annex 4.2 of TOA 2 .

In the event of items being identified as described in the Aqueduct Safety Program, the Aquaculture aviation security service personnel, who will be staffed by at least two persons of the opposite sex, will follow the following procedure:

the items will be placed in baskets and checked by X-ray
as there will be no further suspicion after the manual search by a security checker of the same sheet or a warning signal from the safety control

equipment, the passenger will be allowed to enter the strictly controlled safety area (passenger departure hall) subject to the mandatory random hand control rates. in case of activation or not of the magnetic gate (at least 10% in each case).

The safety check will be done with the consent of the passenger, and in case passengers refuse to undergo the safety check provided by the authorized personnel of ATSSP for this work, they will not be allowed to enter the strictly controlled safety area of the Aqueduct and the boarding the seaplane.

The layout of the space at the security and access control point will be such that, on the one hand, it will not be possible to bypass and avoid the control, and on the other hand, it will facilitate the security service personnel (ATSSP).

Under no circumstances will passengers be allowed access to the safety equipment.

All passengers who intend to board a seaplane, upon arrival at the Aqueduct will arrive at the appropriate ticket check-in point (check in), where they will present their ticket accompanied by an official identity document (Police ID, Passport, Service ID from from the Armed Forces or Civil Security Forces.).

It will be forbidden to board the seaplane to a person without an approved identity document.

In exceptional cases and only for reasons of force majeure (eg health reasons) the written statement of the accompanying adult to the airline, about the identity of the departing minor passenger (relevant document established by the air carrier) will suffice. In these cases, the air carrier will confirm the identity data of the escort stated in the declaration and will be obliged to keep a relevant record of the above for at least 2 years.

In the passenger reception area of the Aqueduct and under the responsibility of the Security Manager, there will be a posted information leaflet, visible throughout the area, which will list all prohibited items carried in hand luggage and luggage.

In the event of a prohibited item being found on a passenger, that item will be seized by security personnel. If the object will be an offense under the law, then it will be seized and the Port Authority or the Greek Police will be notified immediately, to which it is handed over for further actions.

In case of uncontrolled passenger access to a controlled area, the following actions will be followed:

- The flows will be stopped immediately and the point of the strictly controlled safety area where the passengers will be involved will be evacuated and fully investigated to ensure that no prohibited object has been introduced in it,
- Departing passengers with their luggage present in the area where the passengers were involved will undergo an additional security check before being allowed to board the seaplane,
- In an extremely rare case, if departing passengers board a seaplane after accidental mixing, they will disembark, be re-inspected and the seaplane will also undergo additional safety checks,
- In case it is found, after the departure of the seaplane, incorrect application of the provided safety controls of the flight, the Station Manager (General Manager) of the Aqueduct will be informed immediately, who will then inform the competent Authorities of the destination Aqueduct as well as and the carrier.

Procedures followed for hand luggage safety control

Under the responsibility of ATSSP, the hand luggage of all departing passengers will be subjected to a security check via X-ray device and when required by a full manual examination of the contents of each hand luggage, which should focus on suspicious points / objects such as abnormal weight, size, etc., before being allowed to enter a strictly controlled safety area and the seaplane. At least 10% and not more than 20% of the hand luggage selected on a continuous sampling basis will be checked by hand.

The inspector at the ATSSP hand luggage control point will make sure that laptops and other large electronic devices will be removed from the hand luggage and will undergo a thorough physical manual security check separately and will certify their operation. Any packages in the luggage will be opened to make sure the inspector does not contain a prohibited item.

All Liquids - Aerosols - Gels (gels) _YAP will be removed from hand luggage and will also be subjected to a security check separately from other items in hand luggage. All the above, if checked, will be placed in the passenger's luggage. If the passenger does not carry luggage then his hand luggage will be accepted only if it is defined as luggage. Under no circumstances will the above be allowed to travel with the passenger as hand luggage, according to the Aqueduct Safety Program.

Liquids - Aerosols - Gels - gels in packages not exceeding 100 ml in a plastic bag with a maximum capacity of 1 liter which will be presented by the passenger during the security check after being checked will allow the passenger to carry them in his hand luggage.

The hand luggage will be subject to security control by the certified staff of ATSSP. The safety check will be performed at designated checkpoints in the presence of the passenger. Under the responsibility of ATSSP, the hand luggage of all departing passengers will be subjected to a security check to ensure that security inspectors will not transfer to the strictly controlled safety area and the seaplane the prohibited items that will be included in the Aquatic Safety Program.

The staff of ATSSP who is in charge of the control of passengers and hand luggage, must be fully informed about the items that will be considered prohibited and which must be removed, otherwise the passenger is denied access to the controlled safety area and the seaplane.

If a prohibited item is found in hand luggage, it will be seized by security personnel. If this object is an offense under the law, it will be seized again and the Central Port Authority or the Greek Police will be notified immediately, to which it is handed over for further actions.

Procedures followed for the safety control of the delivered luggage

The items that are included in the Safety Plan of the respective Aqueduct will not be placed in the delivered luggage.

Exceptionally, with the permission of the air carrier, the transport of ammunition for the passenger's own use will be allowed in accordance with the provisions of the legislation on the transport of hazardous materials, in particular Annex 18 (Dangerous Goods) of the Chicago Convention and its relevant Technical

Instructions. ICAO. In this case the maximum amount of ammunition can not exceed 5kg gross weight per passenger. In the case of more than one passenger, the permitted quantities should not be combined in one package.

Under the responsibility of the seaplane operator, any passenger luggage will be picked up for loading on the seaplane and will be protected and handled by persons authorized by it.

Under the responsibility of the Security Manager (Head of Safety) of the Aqueduct, all accompanying baggage delivered will be subjected to a safety check via X-ray device with an additional at least 10% physical manual check by the certified safety inspectors of ATSSP.

The same thorough inspection procedure will be followed as described above for hand luggage. The luggage compartment and check-in area will be located next to the check in counters and will be carried out immediately after the ticket check-in, so that the security staff at the check-in check-out will also make a numerical mapping of the number of luggage per passenger with the number luggage to be attached to his boarding pass. After checking the luggage will enter a Vital Department and will be protected from any violation until it is loaded on the seaplane. Delivery of passenger luggage directly to the seaplane for loading will be prohibited.

The delivered luggage that will be transported by seaplane, will be protected under the responsibility of the air carrier from any unauthorized interference from their point of delivery to the seaplane air carrier, until its departure.

Air carriers will provide for measures described in their safety plans to protect the baggage delivered.

The Safety Manager of the Aqueduct will ensure that the delivered luggage is driven immediately after their inspection for loading in the storage area of the seaplane. Security personnel will monitor the checked baggage delivered from the baggage checkpoint until it is loaded on the seaplane.

The Dock Personnel together with the co-pilot of the seaplane (Duty Copilot) will take care of the transfer of the delivered luggage from the separation area to the seaplane.

The pilot and co-pilot of the seaplane will be responsible for ensuring that the baggage delivered from the home flight does not remain unattended in or near the seaplane parking lot. The above staff will be obliged to deliver the luggage to the arriving passengers.

Passengers will not be allowed access to checked baggage unless it is their own baggage and will be monitored to ensure that prohibited items included in the Safeguard Schedule are not included in the baggage, or not Prohibited items included in the Safety Program have been removed from the baggage delivered and placed in a strictly controlled safety area of the Aqueduct or inside the seaplane.

Delivered luggage that was not protected from unauthorized intervention will be subjected to a new security check.

Access to the lost property offices of the Aqueduct will be restricted to those who have work to avoid illegal access to luggage.

In case luggage will not be loaded on the seaplane not under the responsibility of the passenger, then the staff of the Aqueduct will have to deliver it immediately to the security office of the Aqueduct. The luggage will be kept in the security office until it is received by a representative of the air carrier who will have to submit a written statement of receipt of the specific luggage. Before loading the luggage on the aircraft for departure, the luggage will be checked by X-ray by the same controller and from two different angles in the presence of the representative of the air carrier and the competent port authority.

Passengers will not be allowed to carry in their luggage items that will be listed in the Safety Plan of the respective Aqueduct.

The transfer of weapons by the legally possessed passengers will be done in accordance with the provisions of the Confidential Technical Safety Directive (TOA 2).

Passengers will be informed about the prohibited items listed in the Safety Program of each Waterway before completing their ticket control. In addition, they will be informed about the obligation to declare the armament they will transport

in accordance with the provisions of par. 10.2.2 of Part B of Hellenic Civil Authority Regulations.

If the possession of an object is a crime under the law, the object will be seized by the personnel who will carry out the control, the Port Authority or the Greek Police will be notified immediately and it will be handed over for further actions.

The other objects, which according to the Safety Program of the respective Waterway will be considered during the safety control as prohibited for their transfer to the strictly controlled safety area and in the passenger cabin of the seaplane will be delivered by the safety inspectors to the involved airlines which will they may carry them as luggage following a procedure provided for in their security plan. Passengers will be informed and in case of their non-acceptance of this procedure, they will not be allowed to enter the strictly controlled area.

In case of non-compliance of the passenger with the above, the security staff will immediately inform the Port Authority which will handle the case.

All discarded materials collected after checking passengers, hand luggage and luggage will be destroyed or canceled.

The discarded materials will be placed in a closed type bin near the safety controller and under their responsibility will be transferred to a waste bin outside the controlled area of the Aqueduct after the completion of the control of all passengers.

Government officials and other personalities with their personal luggage will be subject to security control. The Heads of State and Churches, the Prime Ministers and the members of the Governments of foreign countries will not be subject to security control, as long as they are invited by the Greek State, the Prime Minister, the Speaker of Parliament and the members of the Council of Ministers of the Greek Government. Presidents and Secretaries General of International Organizations, if invited by the Greek State, the members of the families of the above, if accompanied, the persons for whom the Ministry of Foreign Affairs will be requested in writing not to undergo security checks and their personal luggage persons falling into the above categories are exempt from the security check. Otherwise the escorts and advisers of the above and their luggage will be subject to the security checks provided.

Diplomats and other distinguished persons enjoying special privileges under the Vienna Convention will not be subject to security checks, while their personal luggage will be subject to regular security checks other than diplomatic bags and diplomatic mail carried by a diplomatic postman as hand luggage. Their personal luggage will be subject to regular security checks. Diplomatic postmen and their personal luggage are not exempt from security clearance. The personnel of the airlines responsible for receiving diplomatic bags must be absolutely sure that these bags are being delivered by the duly authorized officials of the diplomatic mission concerned.

Appropriately authorized will be considered the employees of the diplomatic missions who will have the special identity with a visa of the Ministry of Foreign Affairs for the transfer of diplomatic mail. There will be no specific room for Government Officials - VIP at the Water Park. Therefore, Government Officials and other personalities will be served as a priority in the existing facilities of the Aqueduct.

When Heads of State - Churches, Presidents of Governments or other personalities will move around, against whom, at the discretion of the Greek Police or the Port Authority and the administration of the Aqueduct, there is a risk of criminal acts or serious disturbance of the law or order, and The parking lots are supervised by the staff of the Port or the Police Authority with the assistance of the security personnel of the Aqueduct.

5. Obtained licenses and pending ones for the Greek Swan water aerodromes – Required procedures

5.1 Licences obtained

Corfu Waterdrome

The Corfu Waterdrome covers all requirements in facilities and infrastructure in accordance with the provisions of Law 4568/18 and is ready for operation as it has an operating license in force since December 2014 (Government Gazette 3684BD - No. 75957/5727).

In addition, in order to improve the services provided to the passenger public but also to improve the operation of the waterway, within the framework of the Swan project, a new floating platform will be procured and installed, which will have the following technical characteristics:

Table 2 - Technical characteristics of a new floating platform of Corfu waterway

	Length(m)	Width (m)	Free Height from Mean Sea Level (m)	No of 12m units
Corfu floating pier	48.00	3	+0,50	4
Corfu waterway access bridge (ramp)	6.00*	1.50	-	2

The general layout of the floating platforms at the Corfu waterway is shown in the following diagram:

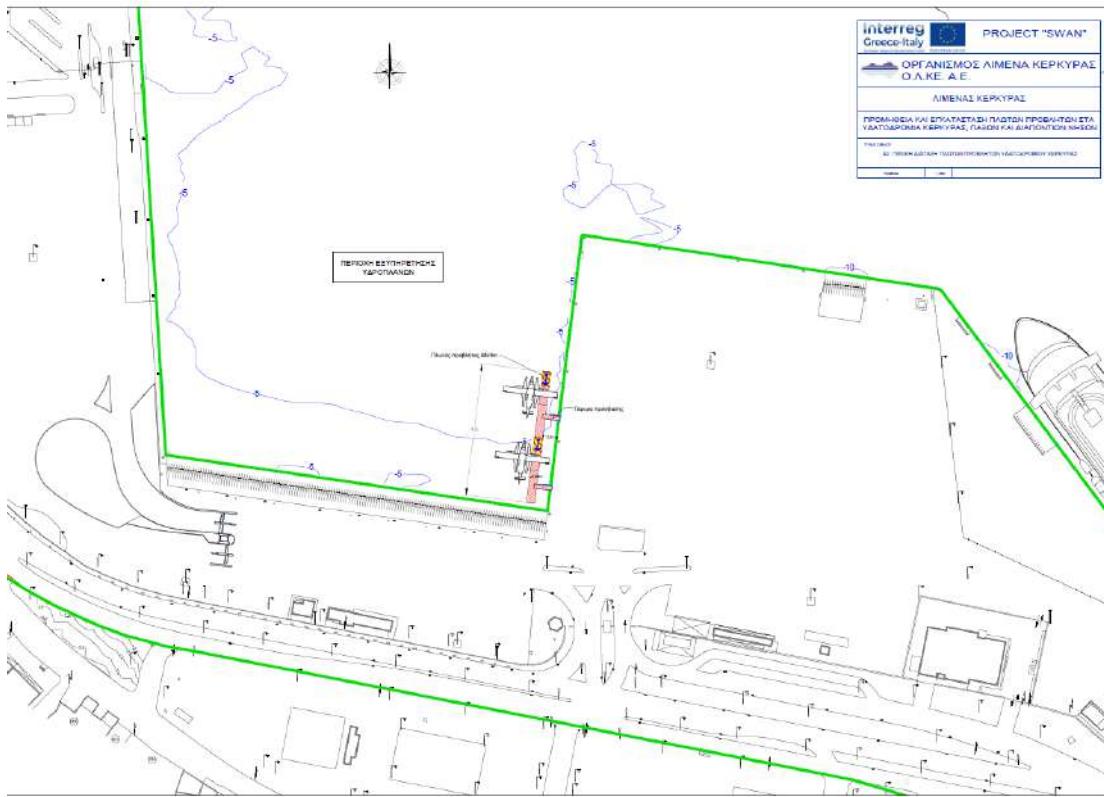


Figure 2 - General layout of Corfu waterway platforms.

5.2 Pending licenses

Paxos Waterway

The waterfront of Paxos has an operating license in force since August 2016 (Eco no. 35967/2345).

According to the provisions of Law 4568/18 for the Paxos Water Park, the existence of more space for the check-in of the passengers is required in order to cover the square meters required by the legislation. You also need to supply and install an X-ray device to check the safety of your luggage and hand luggage.

To meet these requirements, the water terminal service station will be transferred to the new terminal to be constructed in the Port of Gaios and more specifically from the total area of the new station, the section that will be used to serve the needs of the waterway will be 35.00 m².

Also, a new floating platform will be procured and installed to serve the passenger public, which will have the following technical characteristics:

Table 3 - Technical characteristics of a new floating platform of Paxos waterway

	Length(m)	Width(m)	Free Height from Mean Sea Level (m)	No of 12m units
Floating pier of Paxos waterway	24.00	3	+0,50	2
Paxos waterway access bridge (ramp)	6.00*	1.50	-	1

The general layout of the Paxos waterway is shown in the following diagram:

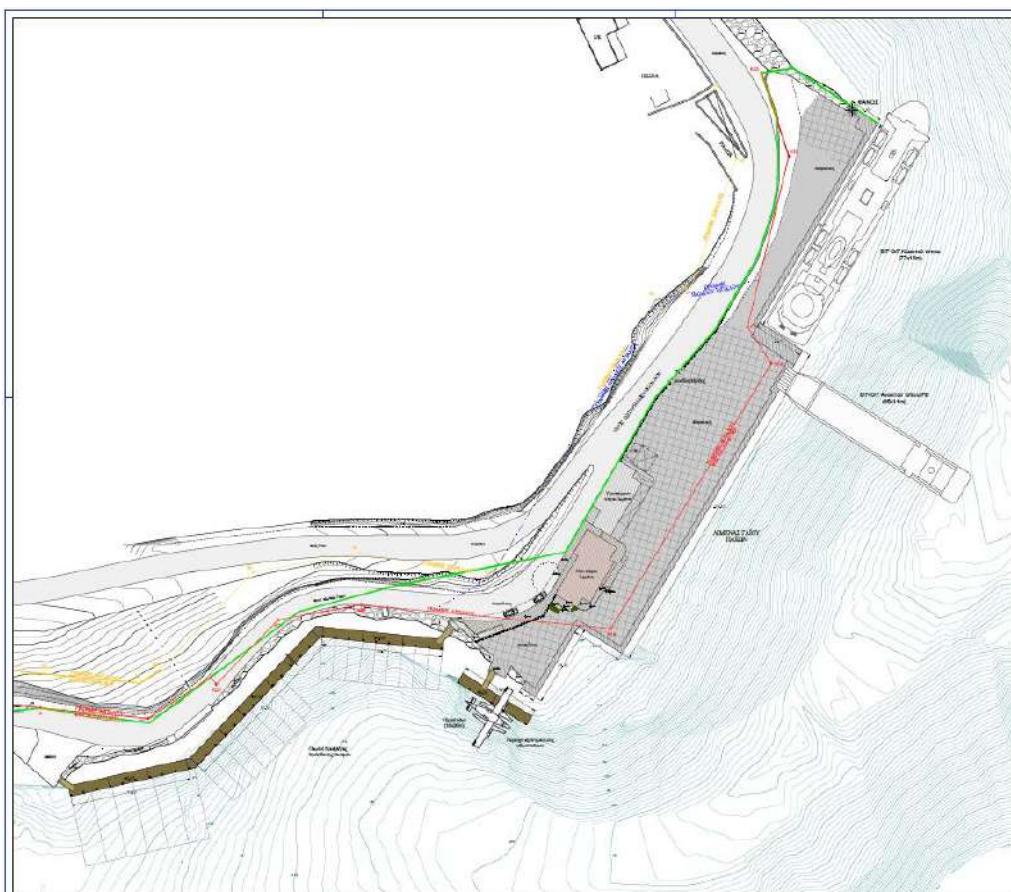


Figure 3 – General layout of Paxos water aerodrome.

5.2.1 Procedures required to obtain a licence.

Waterways in the Diapontia Islands

For the three Watercourses in the Diapontia Islands the licensing process should be done from the beginning according to the provisions of Law 4568/18. Specifically, the preparation and preparation of the Technical Folders of the Watercourses is required, as well as the construction and the equipment of the three Watercourses. The above are prerequisites for the issuance of Water Establishment Permits.

In particular, regarding the equipment of the three waterways that will be constructed in the Diapontia Islands, the appropriate facilities will be developed, in accordance with the provisions of the relevant legislation, as mentioned above, for the approach of seaplanes and for the land service of the passenger public. These will consist of a floating seaplane approach platform and a prefabricated passenger service lodge. Access to the facilities at the waterways will be through the already existing road network of each island.

The following table lists the characteristics of floating piers and access bridges.

Table 4 - Characteristics of floating piers and access bridges of the Diapontia Islands

	Length (m)	Width (m)	Free Height from Mean Sea Level (m)	No of 12m units
Floating pier of Othonoi water park	24.00	3	+0,50	2
Access bridge (ramp) of Othonoi waterway	6.00*	1.50	-	1
Floating pier of Ereikoussa waterway	24.00	3	+0,50	2

Access bridge (ramp) of Ereikoussa waterway	4.00*	1.50	-	1
Floating pier of Mathraki waterway	24.00	3	+0,50	2
Mathraki waterway access bridge (ramp)	6.00*	1.50	-	1

The following are diagrams with the general layouts of the floating platforms per waterway

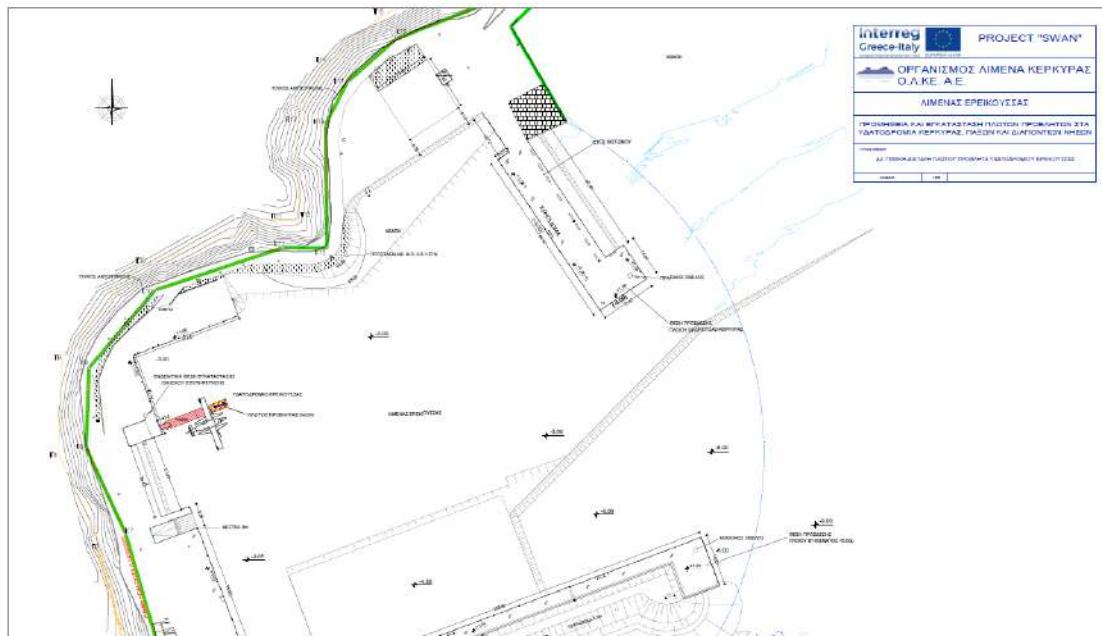


Figure 4 - General arrangement of floating platforms of Ereikoussa waterway

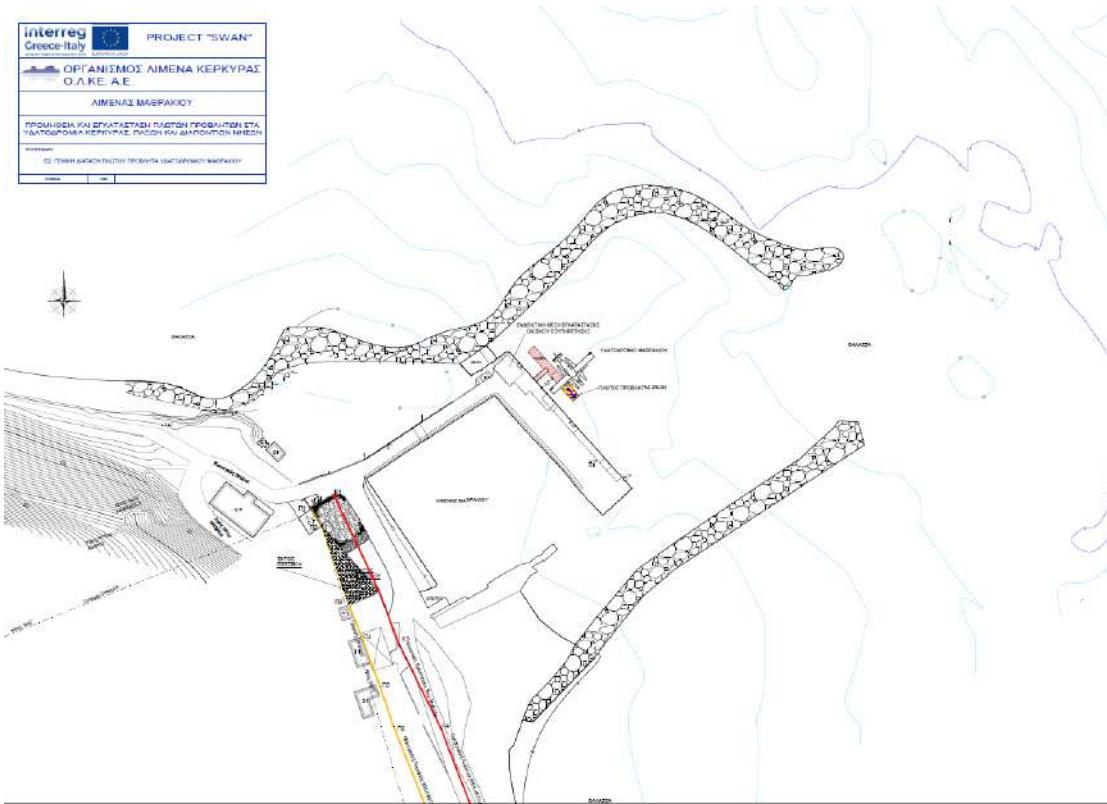


Figure 5 - General arrangement of floating platforms of Mathraki waterway

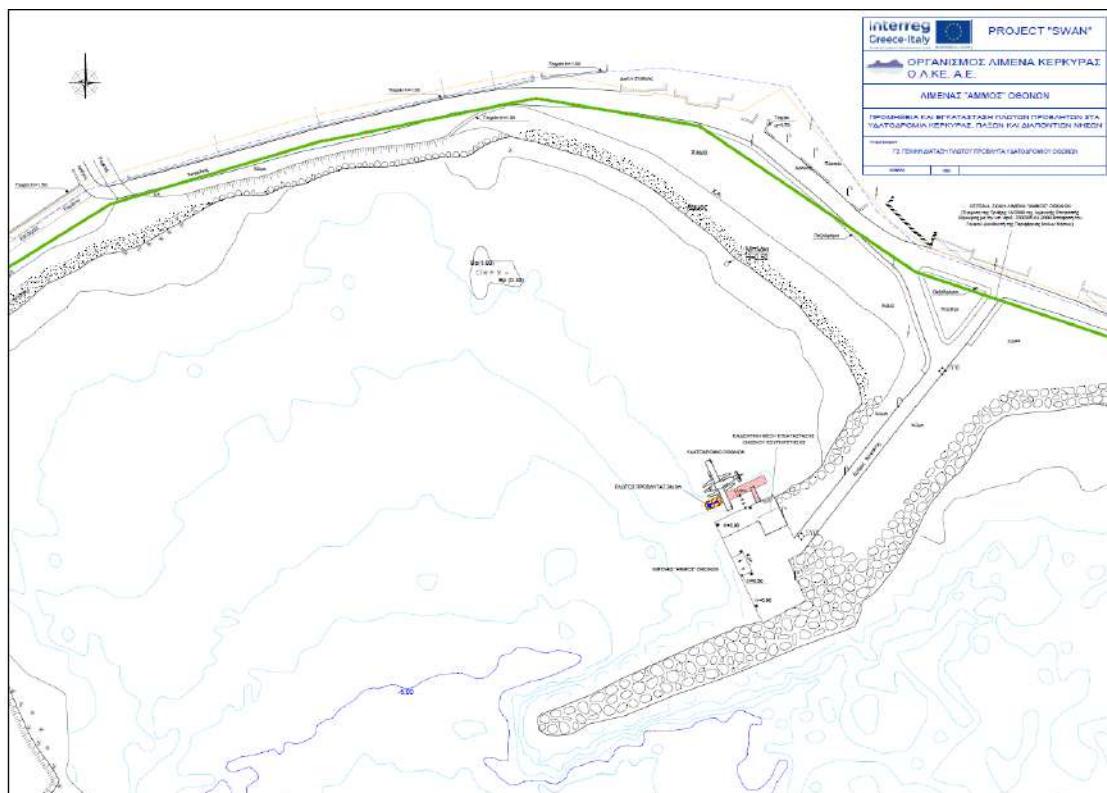


Figure 6 - General layout of the floating platforms of Othonoi waterway

As far as the huts are concerned, these will have an area of 64.08m^2 with their floor plan being shaped according to the needs and the location of the respective waterway, while they will include all the necessary spaces to serve the needs of the waterways (passenger waiting area, passenger control area and luggage, toilets, office, etc.).

The aforementioned area is broken down as follows:

Length (L) = 8.90 m.

Width (B) = 7.20 m.

Exterior height (H) = 3.20 m.

Total Area = 64.08 sq.m.

The appearance of the huts will be as follows:

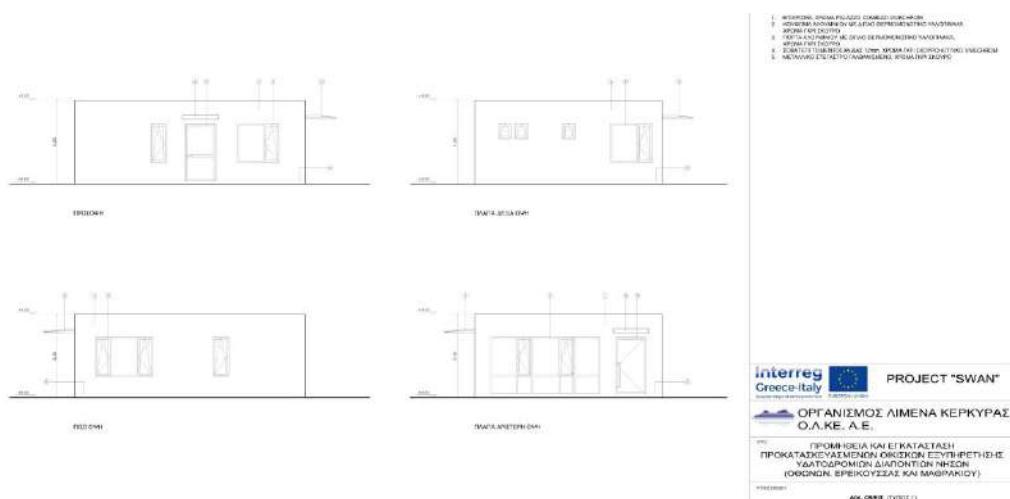


Figure 7 - View of Houses

The following are the locations of huts to be installed per waterway.

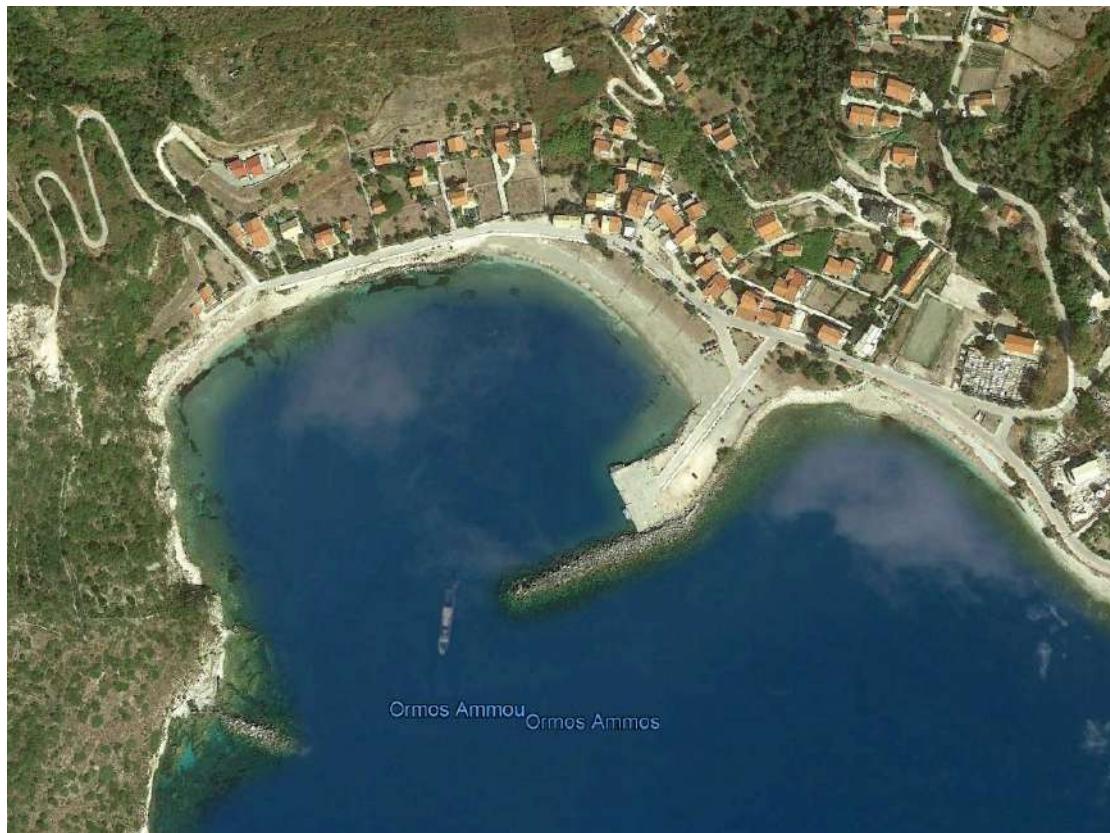


Figure 8 - Port of "Ammos" Othonoi - Project location (Background: Google Earth)



Figure 9 - Port of Ereikousa - Project location (Background: Google Earth)



Figure 10 - Port of Mathraki - Project location (Background: Google Earth)

6. The benefits of the new legal framework for the water aerodromes in Greece

6.1 *Gaps & weaknesses addressed by the new institutional framework*

In February 2020, the draft law Law 4663/2020 entitled "Establishment, operation and operation of airports on water surfaces, transport regulations and other provisions" was approved by the Parliament (Information Bank of Legislation, 2020). This new framework aims to mobilize the development of the waterway network, simplifying the procedural framework, with the basic measure of reducing the Ministerial decisions and authorizing provisions required for the issuance of permits.

The aim of the bill is to promote an innovative investment opportunity with significant development prospects at the local level and for the country as a whole. In addition, the aim is to increase the number of visitors to remote areas in order to maximize the existing tourist trends and the development of new ones (Georgiadis, 2019).

The difficult and time-consuming process that characterized the previous bill is one of the reasons why the development of a network of waterways had not progressed in recent years. However, the new draft law regulates the procedures for the establishment, operation and operation of airports on water surfaces, in order to facilitate their licensing by simplifying the relevant procedures and to establish a secure and integrated institutional framework, which favors the development of (Legislation Information Bank, 2020).

According to the new bill, the licensing will be done in two stages: (1) establishment license and (2) operating license. In addition, the new plan provides the possibility of establishing a waterway, not only in a public body, but also in a private one. In addition, the framework for granting waterway permits is being expanded, both in tourist ports (marinas anchorages) and in Integrated Tourist Development Areas (POTA). The draft law includes provisions of transitional validity regarding the operation of the waterways and the issued operating licenses issued with the provisions of law 4146/2013, the holders of which must submit supporting documents in accordance with the new requirements (Legislation Information Bank, 2020).

The new legislative framework has removed all the restrictions that existed in the pilot program. It is a framework that is more entrepreneurial and is characterized

by less bureaucracy. This will allow the development of the seaplane flight network in various parts of the country, such as the Ionian Sea, the Aegean islands, Crete and the Saronic Gulf. At the same time, it is estimated that the new framework is expected to reduce the time and bureaucracy to license a waterway (Metaforesspress, 2019). Additional important arrangements for shortening the procedure concern the reduction of the number of supporting documents of the technical file, the detailed definition of the possibilities of transfer and granting of licenses and the relevant prohibitions (Georgiadis, 2019).

To date, an environmental impact study is required to approve a watershed. With the new bill, this licensing will be moved to the Ministry of Environment from category A to category B, which will mean standard environmental commitments. In time, this translates to 20 days or one (1) month, as opposed to the approximately one (1) year required for an environmental impact study (Metaforesspress, 2019). This is a crucial and fair change, which should have been made by previous bills, as there is International Scientific Evidence that seaplanes are one of the most environmentally friendly means of transport (MetaforesPress, 2020).

The new law will also require a shorter period for procedures in the Civil Aviation Authority. The new procedures will give an additional impetus, with the result that each employee involved completes his work in a specific period of time (Metaforesspress, 2019).

With another Joint Ministerial Decision - which is expected to be ready soon and concerns the refueling facilities, the legal framework for the opening of the waterways in the country is completed. After about 20 years, it is the first time that key issues are solved to start seaplane flights in the country, which due to its morphology and the existence of its island complexes should have developed a network of waterways in order to facilitate the movement of tourists, but mainly inhabitants of remote islands (Moscow, 2020).

Based on the JMC (Government Gazette ΒΔ 3217- 3/8/20) it is stipulated that for each passenger departing from the seaport, the aircraft company that operates the flights, pays a fee in favor of the Greek State, amounting to five euros (€ 5.00) per passenger, plus the corresponding stamp duty (Moscow, 2020).

The pandemic delayed the launch of seaplane flights in the country for another year as both uncertainty and a lack of legal framework froze initial plans to seaplane flights in the summer of 2020 (Moscow, 2020).

According to the recent Law 4663/20120, the granting of a waterway permit requires the submission to the Air Transport Department of the Ministry of

Infrastructure & Transport of a relevant application of the interested party accompanied by a technical file, which will include, among others, all necessary studies and issues. are prepared under the responsibility of the person concerned. If the technical file is complete, based on the relevant provisions, it is sent by the Air Transport department to the co-competent / involved services for examination, according to the competence (Moschou, 2020).

It is important to note that the new bill came out in a timely manner in a consultation process, thus giving the citizens the opportunity to submit their positions and views. As a result, of the 13 pages of the Consultation Report attached at the end of the bill, there have been several amendments to the original text, aimed at enhancing transparency and consultation with citizens (MetaforesPress, 2020). This is a significant element of improving the bill, as participatory planning and consultation processes are factors contributing to the goals of sustainable development.

6.2 Benefits of the new compared to the previous institutional framework

The new bill is the basis for developing a sustainable waterway network. It is important to note that the new bill already shows significant improvements, as procedures are simplified and accelerated. In addition, seaplanes are allowed to go almost anywhere, without companies having to go to specific areas (MetaforesPress, 2020). As a result, the accessibility and accessibility of various remote areas throughout the territory will be significantly improved, further enhancing the sustainable and equitable development of the country.

The result of the drafting process of the new law is the text that aims to achieve 2 main objectives:

1. the liberalization of the institutional framework of waterways involving private investors and
2. the simplification and acceleration of the procedures required for the licensing of waterways.

The bill provides the following in its main section:

1. re-regulates the procedures for the establishment, operation and operation of waterways, in order to establish a safe and integrated institutional framework conducive to their development.
2. provides the possibility of licensing in two stages, ie the issuance of "establishment license" and "operating license", either jointly or separately.

3. enables the issuance of a "establishment permit" for a waterway not only to a public body, but also to a private body.
4. allows the issuance of a "establishment permit" for a waterway without the need for an inspection, so that the interested investors can carry out all the foreseen actions, which when completed will be granted an "operating license".
5. The framework for granting waterway permits is expanded, both in tourist ports (marinas, moorings, etc.), as well as in Integrated Tourist Development Areas, as well as in complex tourist accommodation.
6. It is possible to train the waterfront operating staff, not only from the Civil Aviation Authority, but also from other certified bodies at home or abroad.
7. A small Water Committee is set up, which will be in charge of their inspections.

The current institutional framework is expected to **automatically signal the development of a sustainable network of waterways**, which will enrich the tourism product of Greece, serve the best connection of the mainland with remote destinations and will rekindle investment interest (MetaforesPress, 2020). This is a new beginning in the field of transport, which is considered to be able to contribute significantly to the development of the country, through investments in modern, environmentally friendly, combined transport and the new, upgraded, international role of the country (MetaforesPress, 2020) .

The transport sector is a dynamic part of the national economy, and due to its rapid development, interventions are constantly needed to achieve both the modernization of legislation and the assistance of a sector that has been hit hard by the crisis (MetaforesPress, 2020). This bill solves a number of problems in the field of passenger transport, and came through a constructive dialogue with institutions and citizens (MetaforesPress, 2020).

The existence of licensed waterways is a necessary condition for the safe operation of seaplanes, which with their flights will contribute to the development of local economies of the islands, to the upgrading of their tourism and to the improvement of the quality of life of their inhabitants. The creation of a network of waterways is one of the priority projects for Greece, according to the Association of Businesses and Industries (SEV), as the domestic tourism product becomes more competitive, while allowing the thickening of routes to popular tourist destinations and improving connectivity. and remote areas (Delevgos, 2020). The completion of the waterway network and the start of the flight project,

institutionally fortified, paves the way for the attraction of individual investments by companies from Greece and abroad (ΑΠΕ-ΜΠΕ, 2021).

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