

№	Question	Answer
1	<p>Tender Documents - Schedule 3 - Part 1, Form F: "Contractual Arrangement - <i>[Please describe under what basis, i.e. equity shareholding, operating and management contract, etc. the Airport Operator exercises effective management of the Airport.]</i>"</p> <p>As per the above format, we understand that if Airport Operator (member of a bidding consortium) holds majority equity shareholding in an airport being used for evidencing Technical Capabilities, the consortium would qualify for Operating Experience through this, rather than having to rely on that airport as a Third Party. Also, we understand that consequently, the requirements of Third Party including Appendix 11B containing specific undertakings and indemnity shall not be applicable. Please confirm</p>	<p>In accordance with paragraph 3(a)(ii) of Schedule 3, Part 1 the airport operation requirement can be fulfilled through a Third Party, hence the request to indicate the equity shareholding where the Third Party is an Affiliate. The instructions in square brackets do not refer to the possibility to fulfill the requirement via an equity participation (whether minority or majority) in the airport operating company.</p> <p>Please refer to Q&A # 3166 of 09.01.2019: “The latest modifications in the Tender Documents do not prevent the Bidders (whether single Economic Operators or Consortia) from relying on the experience of any of their Affiliates (whether parent company or subsidiary, direct or indirect), in particular airport operating companies. However, within the meaning of the Concessions Act (Article 63) and the Concessions Directive (Article 38), such entities are considered third parties (“other entities, regardless of the legal nature of its links with them”). Therefore, the respective third party requirements apply”.</p>