

ВЪПРОС	ОТГОВОР
<p>1. Please, provide a copy of the internal agreement (if any) between the Ministry of Transport, Information Technologies and Communications (“MTITC”) and Sofia Airport EAD, governing the relations between them, and based on which the concession agreement stipulates that the MTITC shall assume responsibility and liabilities on behalf of Sofia Airport EAD, and consequently – secure Sofia Airport EAD’s actions.</p>	<p>There is no such agreement. Please note that the Minister of Transport, Information Technology and Communications exercises the title of state ownership on 100% of the shares in business company Sofia Airport EAD and he has the powers of a general meeting (company management body). Furthermore, the Minister of Transport, Information Technology and Communications appoints and dismisses the members of the Board of Directors of Sofia Airport EAD. The texts in the Draft Concession Agreement, stipulating the Ministry’s commitment to provide for actions/ behavior by Sofia Airport EAD, are legally based on above-mentioned facts.</p>
<p>2. Please, specify how do you plan to organize the transfer of employees, since, according to the law, this is to take place automatically, while in accordance with art. 9.1.2 of the concession agreement, the concessionaire is required to hire each and every Employee, based on an employment agreement and under identical terms and conditions.</p>	<p>The transfer of employees to the Concessionaire is done automatically by virtue of the law (Art.123a of the Labor Code) - and this is stated in Art 9.1.1 of the Draft Concession Agreement. The purpose of Art. 9.1.2 of the Draft Concession Agreement is merely to confirm that the Concessionaire becomes the Employees’ new Employer under the terms of existing Labor Contracts. In our view, only for the purposes of documenting the change of employer, new contracts will have to be signed with the transferred Employees that will have a rather declarative nature.</p>
<p>3. Please, specify how many employees of the Sofia Airport EAD shall be transferred (as at the current date) to the concessionaire. Will there be employees, who will not be transferred and if so, please specify their respective number.</p>	<p>The number of employees of Sofia Airport EAD to be transferred to the Concessionaire may be determined upon entry into force of the Concession Agreement but before the Start date of the Concession. Employees working in Balchik, VIP "A" and Cosmos Hotel will not be transferred. These sites are not included in the Concession object.</p>
<p>4. Please, provide information regarding the number of employees (who shall be transferred to the concessionaire), who are employed, based on (1) permanent employment agreements, (2) fixed-term employment agreements, and (3) employment agreements incorporating a test-period clause, specifying the expiry date of the testing period.</p>	<p>See the answer to Question 3 above</p>

5. Please, provide information regarding the transfer of Sofia Airport EAD's employees, as a result of transfers of operations that have taken place in the previous 5 years.	There is no such transfer executed.
6. Please, provide detailed information regarding any pending or probable employment disputes, where the Sofia Airport EAD is a party, during the previous 3 years.	Information is available for review in the Physical Dataroom under terms and procedures specified in Clause 5.1 of the Concession Documentation. Appendix No. 7.7.
7. Please, provide information regarding any and all mass dismissals at the Sofia Airport EAD during the previous 3 years, if any.	There are no mass dismissals.
8. Please, provide all the agreements with former employees regarding the payment of compensations and other liabilities, which have not yet been paid by Sofia Airport EAD	There are no outstanding or delayed compensations payments on any of the above listed grounds.
9. Please, provide the work permits of the employees – third-country nationals, if such persons are employed at Sofia Airport EAD.	There aren't any.
10 Please, provide information regarding the inspections and audits, performed by the Labour Inspectorate, as well as regarding all acts, penalties and instructions, issued to Sofia Airport EAD, if any.	The required information is provided in an answer published on 09 August 2018 – Q&A_09.08.18_5 and is available for review in the Virtual Dataroom - Appendix No. 7.6, item 21.
11. Please, provide information regarding any occupational accidents during the previous 5 years and information regarding the claims, if any, filed against Sofia Airport EAD.	Information is available for review in Virtual Dataroom - Appendix No. 7.8. Please see the information under Question 6 above.
12. Please, provide information regarding the calculation of the working hours of the employees (on a daily basis and total) of Sofia Airport EAD.	The required information is provided in an answer published on 09 August 2018 – Q&A_09.08.18_5 and is available for review in the Virtual Dataroom - Appendix No. 7.6, item 1.1. The information is contained in Section I Working Hours, Art. 107-116 of the Internal Regulations of Sofia Airport EAD.

<p>13. Please, provide information regarding Sofia Airport EAD's employees, working at increased risks of occupational accidents, as well as the insurance policy and all relevant documents according to art. 13.7.5 of the Collective Employment Agreement.</p>	<p>The required information is provided in an answer published on 09 August 2018 – Q&A_09.08.18_5 and is available for review in the Virtual Dataroom - Appendix No. 7.6, item 2.4 and item 13.</p>
<p>14. Please, provide a list of Sofia Airport EAD's employees, who (1) are members of the trade unions, (2) have jointed the Collective Employment Agreement, and (3) are not members of the trade unions and have not joined the Collective Employment Agreement.</p>	<p>1: number of employees members of trade unions in the company - 1321 2: employees who (without being members) have joined the Collective Employment Agreement - 197 3: employees who are not members of the trade unions and have not joined the Collective Employment Agreement - 820</p>
<p>15. Please provide Sofia Airport EAD's agreement with an occupational health service.</p>	<p>The required information is provided in an answer published on 09 August 2018 – Q&A_09.08.18_5 and is available for review in the Virtual Dataroom - Appendix No. 7.6, item 24.</p>
<p>16. Please, provide detailed information regarding Sofia Airport EAD's employees, who are protected, pursuant to art. 333 of the Labour Code, as well as information regarding the reason for the application of the protection measures.</p>	<p>The required information is provided in an answer published on 09 August 2018 – Q&A_09.08.18_5 and is available for review in the Virtual Dataroom - Appendix No. 7.6, item 25.</p>
<p>17. Please, provide information on whether or not there are appointed representatives of Sofia Airport EAD's employees, if yes - what is their number?</p>	<p>The required information is provided with an answer published on 09 August 2018 – Q&A_09.08.18_5 and is available for review in the Virtual Dataroom - Appendix No. 7.6, item 26.1 and 26.2.</p>
<p>18. Please, provide information regarding employees, who have covered the eligibility criteria for retirement.</p>	<p>The required information is provided in an answer published on 09 August 2018 – Q&A_09.08.18_5 and is available for review in Virtual Dataroom - Appendix No. 7.6, item 27 – workers and employees acquired and/or exercised a right to pension.</p>
<p>19. Please, provide a copy of the declaration as per art. 15 of the Health and Safety at Work Act, submitted by Sofia Airport EAD.</p>	<p>The required information is provided in an answer published on 09 August 2018 – Q&A_09.08.18_5 and is available for review in the Virtual Dataroom - Appendix No. 7.6, item 28.1 and 28.2.</p>

20. Please, provide a copy of Sofia Airport EAD's extra-time reporting register.	The required information is provided in an answer published on 09 August 2018 – Q&A_09.08.18_5 and is available for review in the Virtual Dataroom - Appendix No. 7.6, item 34.
21. Please, confirm that the Collective Employment Agreement is registered with the Labour Inspectorate and indicate the relevant registration date.	The required information is provided in an answer published on 09 August 2018 – Q&A_09.08.18_5 and is available for review in the Virtual Dataroom - Appendix No. 7.6, item 38.
22. Please, provide information on whether or not Sofia Airport EAD is providing any additional retirement plans to the employees, apart from the legally required.	Sofia Airport EAD does not provide such additional pension options.
23. Please, provide information regarding any strikes by Sofia Airport EAD's employees in the previous 3 years, if any.	There are no strike actions within the meaning of the law
24. According to Schedule 2 – part 1 (<i>Description of the concession site</i>), Sofia Airport EAD has obtained Certificate of operational fitness No. 1/30.10.2016, Airport Operator License No. 1/30.10.2016, Certificate No. BGLBSF-001/29.12.2017, Certificate of operational fitness No. 944/05.09.2017, Certificate of Approval No. AGL-1/02.09.2016, ground handling operator licenses, Certificate No. 1Y/15.07.2015. Please, provide us with these certificates and licenses in the Data Room in order to verify the conditions, related to the issuance and the obligations, undertaken by Sofia Airport EAD?	Information is available for review in the Physical Dataroom under terms and procedures specified in Art. 5.1 of the Concession Documentation. Appendix No. 13.1.
25. According to paragraph 1.7. of Appendix 5 (<i>Conditions Precedent</i>) to the Concession Agreement, the Concessionaire is required to deliver a single Airport Operator and Airport Certificate under the Airport Regulations. Please specify what is the national procedure for issuing such a certificate, and in particular	For the issuance of a Single airport operator and airport certificate pursuant to Regulation (EC) No. 216/2008, are directly applied the procedures of Regulation (EU) No. 139/2014 of the Commission of 12 February 2014, laying down the requirements and the administrative procedures in connection to airports in accordance with Regulation (EC) No. 216/2008 of the European Parliament and of the Council as well as the Acceptable Means of Compliance (AMC), Certification specifications - SC and Guidance materials - GM issued thereto by the European Aviation Safety Agency (EASA).

<p>– what are the necessary documents, the applicable timeframe, fees and other conditions?</p>	
<p>26. According to Schedule 2 – part 1 (<i>Description of the concession site</i>), Sofia Airport EAD was issued Certificate of operational fitness No. 944/05.09.2017, valid until 05.09.2018. Have any actions been undertaken for the renewal/extension of the validity of this certificate?</p>	<p>The following actions have been taken: An application has been sent to CAA with a set of documents for renewal of an Operational Suitability Certificate in accordance with the Civil Aviation Act.</p>
<p>27. Will the existing licenses, permits and certificates, issued to Sofia Airport EAD with respect to the management and operation of the Sofia Airport be revoked/terminated and when will this take place?</p>	<p>Termination of the operation of the current airport operator and the commencement of operation of the new operator (concessionaire) will take place during the transitional period as stipulated in the draft Concession Agreement.</p>
<p>28. Please confirm whether or not the scope of the Transferred agreements may also incorporate the insurance agreements, where Sofia Airport EAD is a party, if the Grantor and the Concessionaire reach such an agreement.</p>	<p>In principle, insurance contracts may be within the scope of the Transferred contracts, subject to the mechanism and commitments provided for in the draft Concession Agreement (see Art. 2.8) and in any case subject to the consent of the Third Party (the Insurer).</p>
<p>29. Paragraph 4.3 of the List of Information and Documents available for review in the Data Room (accessible in the VDR) stipulates that the Management and Operation Manual is available in the PDR, but as of 02.08.2018 no such document was available in the PDR, as only the appendixes thereto were available for review there. Will there be a copy of the Sofia Airport Management and Operation Manual available?</p>	<p>A copy of the Operations and Management Manual is available as of 16.07.2018 in the Physical Dataroom. Folder "4.0. Operational activities - Part 1 "</p>
<p>30. Has Sofia Airport EAD issued any administrative acts for the allocation of the available space for ground handling within the meaning of art. 48h, para. 2 of the</p>	<p>Sofia Airport EAD, in its capacity of an airport operator, shall provide access to the facilities of the airport infrastructure intended for ground handling for use by the ground handling operators under objective, transparent and non-discriminatory rules, criteria and payments, in accordance with the provisions of the Civil Aviation Act, Ordinance No. 20 of 24 November 2006 and Art. 16, paragraphs</p>

<p>Civil Aviation Act? If such an act has been issued, will a copy thereof be made available in the Data Room?</p>	<p>(1), (2) and (3) of Council Directive 96/67/EC of 15 October 1996 on access to the ground service market at Community airports.</p> <p>The ground handling operators licensed to perform ground handling activities, who have expressed their willingness to operate in the territory of Sofia Airport have been granted access to the airport facilities and airport infrastructure in compliance with the legal provisions. The information is available for review in the Virtual Dataroom - Appendix No. 13.2.</p> <p>Four Acts for granting access to the airport facility for ground handling to "Swissport Bulgaria" AD - Information is available for review in the Physical Dataroom under the terms and conditions set out in Art. 5.1. of the Concession Documentation - Appendix 13.3.</p>
<p>31. Are there any agreements, signed between Sofia Airport EAD and other ground handling operators, regarding the use of Sofia Airport's infrastructure, including agreements between Sofia Airport EAD as an airport operator and the ground handling operators? Are there aviation operators, carrying out self-servicing within the meaning of Ordinance no. 20 of 24 November 2006 on the certification of the operational requirements of civil airports, airfields, ground service systems and equipment, on licensing of airport operators and ground service operators and on the access to the ground services market at airports? Will such agreements, if any, be made available in the Dataroom?</p>	<p>Information is available for review in the Physical Dataroom under the terms and conditions set out in Art. 5.1. of the Concession Documentation - Appendix 3.4.</p> <p>There are aviation operators who have been self-service licensed within the meaning of Ordinance No. 20 of 24 November 2006 on the certification of the operational requirements of civil airports, airfields, ground service systems and equipment, on licensing of airport operators and ground service operators and on the access to the ground services market at airports.</p> <p>An up-to-date list is published on the website of CAA: https://www.caa.bg/bg/category/290/operatori-po-nazemno-obslyzhvane</p>
<p>32. Have the Sofia Airport been imposed any limitations by the DG CAA within the meaning of Art. 48e, para. 8 of the Civil Aviation Act? If currently there are such limitations, will the respective documents by the DG CAA be available in the Dataroom?</p>	<p>No restrictions have been imposed to Sofia Airport within the meaning of Article 48e, paragraph 8 of the Civil Aviation Act.</p>

<p>33. According to Art. 7, para. 4 of the Civil Aviation Act, DG CAA is the competent body for the application of Regulation 216/2008. Is it correct to assume that the DG CAA is also the competent body under Regulation 139/2014, and therefore it is entitled to issue a single Airport Operator and Airport certificate?</p>	<p>Regulation (EU) No. 139/2014 lays down the rules and procedures for implementing Regulation (EC) No. 216/2008. We confirm that DG CAA is the competent authority for the implementation of Regulation No. 216/2008 and issues a single airport operator and airport certificate under the terms and procedures of Regulation 139.</p>
<p>34. Please, specify whether a ground handling services at Sofia Airport users' committee has been established?</p>	<p>No such committee is established.</p>
<p>35. According to Art. 4, para. 3, item 3 of Ordinance No. 141/27.03.2002 on the certification of the operational fitness of civil facilities for aerial navigation and landing, the approval of the Organization of the maintenance of the ground handling service systems and facilities (GHSF) requires a valid certificate of implemented quality system. Are there any specific requirements in place, regarding such certificate and in particular, does it have to be ISO 9001:2015?</p>	<p>Regulation 141 does not indicate which number of quality standard is applicable. Therefore, the latest valid quality standards should be applied.</p> <p>At present, the latest quality certificates are ISO 9001: 2015.</p> <p>If the applicant for a Certificate holds a previous version of a quality standard that is valid at the date of applying for a Certificate, the same will be recognized.</p> <p>However, once the validity term of the quality certificate has expired, the person should be recertified for the latest valid certificate number.</p>
<p>36. With respect to the issuance of a Certificate of operational fitness of a civil airport, Art. 16 of Ordinance no. 20 of 24 November 2006 (on the certification of the operational requirements of civil airports, airfields, ground service systems and equipment, on licensing of airport operators and ground service operators and on the access to the ground services market at airports) contains references to ordinances, which have been replaced by newer ordinances with identical numbers and titles. Please, confirm that the new (substituting) ordinances shall apply.</p>	<p>We hereby confirm that the provisions of Art. 16 of Ordinance No. 20 of 2006 on the certification of the operational requirements of civil airports, airfields, ground service systems and equipment, on licensing of airport operators and ground service operators and on the access to the ground services market at airports (promulgated SG, issue No. 101/2006, with their subsequent amendments and supplements) are expressly repealed by subsequent ordinances, as follows:</p> <p>(a) Ordinance No. 14 of 2000 on airports and airport safety has been repealed by Ordinance No. 14 of 2012 on airports and airport safety (promulgated, State Gazette, issue 86 of 2012);</p> <p>(b) Ordinance No. 3 of 2006 on the meteorological service of civil aviation has been repealed by Ordinance No. 3 of 2012 on the meteorological service of civil aviation (promulgated, State Gazette, issue 25 of 2012);</p> <p>(c) Ordinance No. 15 of 1999 on Aeronautical Information Services has been repealed by Ordinance No. 15 of 2011 on Aeronautical Information Services (promulgated, State Gazette, issue 37 of 2011);</p>

	<p>(d) Ordinance No. 3 of 1996 on the emergency and rescue securing of flights at civil airports was repealed by Ordinance No. 3 of 2009 on emergency and rescue securing of civil airports (promulgated, State Gazette, issue 44 of 2009).</p> <p>The ordinances specified in "a" - "d" will be applied.</p>
<p>37. What is the effective period of the operational fitness certificate of the GHSF within the meaning of art. 30 and the subsequent of Ordinance no. 20 of 24 November 2006 on the certification of the operational requirements of civil airports, airfields, ground service systems and equipment, on licensing of airport operators and ground service operators and on the access to the ground services market at airports?</p>	<ul style="list-style-type: none"> • The Operational Fitness Certificate of an Airport is issued under the terms and conditions of Chapter Two of Regulation No. 20 and each year after inspection, the DG CAA certifies with a stamp the certification for the respective year; • The Operational Fitness Certificate of the GHSF is issued under the conditions and the procedure of the Chapter Three of Ordinance No. 20 and each year after inspection, the DG CAA certifies with a stamp the certification for the respective year; • The Airport Operator License is issued under the terms and conditions of Chapter Four of Ordinance No. 20 and is not limited by time; • The ground service operator license is issued under the terms and conditions of Chapter Five of Ordinance No. 20 and is not limited by time.
<p>38. With respect to the obtaining of a Certificate of operational fitness of a civil airport and of the Airport Operator License, please confirm that the Manual for the Management and Operation of a Civil Airport for Public Use within the meaning of Art. 18, para. 2, item 3 of Ordinance no. 20 of 24 November 2006 on the certification of the operational requirements of civil airports, airfields, ground service systems and equipment, on licensing of airport operators and ground service operators and on the access to the ground services market at airports, is identical to the Airport Management and Operation Manual within the meaning of Art. 35, para. 1, item 6 of the said ordinance?</p>	<p>We confirm that the Management and Operation Manual of a Civil Airport for Public Use within the meaning of Art. 18, paragraph 2, item 3 of Regulation No. 20 and the Management and Operation Manual of an Airport within the meaning of Art. 35, paragraph 1, item 6 of Ordinance No. 20 are identical.</p>
<p>39. Is there any information available regarding any forthcoming amendments to Ordinance no. 20 of 24</p>	<p>The necessary amendments and supplements will be made to Ordinance No. 20 of 24 November 2006 on the certification of the operational requirements of civil airports, airfields, ground service</p>

<p>November 2006 on the certification of the operational requirements of civil airports, airfields, ground service systems and equipment, on licensing of airport operators and ground service operators and on the access to the ground services market at airports? If such an amendment is pending, what would its respective scope be?</p>	<p>systems and equipment, on licensing of airport operators and ground service operators and on the access to the ground services market at airports, which will provide for compliance of the text of the Ordinance with Commission Regulation (EU) No. 139/2014 of 12 February 2014 laying down the requirements and administrative procedures regarding airports in accordance with Regulation (EC) No. 216/2008 of the European Parliament and of the Council. Notwithstanding the fact that the Regulation is directly applicable, it is necessary to bring into terminological compliance the texts of the Ordinance with those of the Regulation.</p>
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