

	Question	Answer
1	Please confirm if there are any past, current or expected proceedings in relation to state aid, notified to the European Commission or investigated by it, respectively provide the decisions, motives, etc. related documents in relation to the concession activities or otherwise related to the Sofia Airport, ground service operators, carriers and others /	Sofia Airport EAD received letters from the Ministry of Transport, Information Technology and Communications requiring information from the company on European Commission files on complaints of alleged violations of the state aid legislation (a complaint by Wizz Air and a complaint by Ryanair). The questions sent by the EC offices were answered to in due course. The issues raised concern exclusively the current airport operator Sofia Airport EAD.
2	Please confirm if there are any past, current or expected proceedings in relation to violations of the applicable competition laws or otherwise related to the competition rules, in relation to the concession activities or otherwise related to the Sofia Airport, ground service operators, carriers and others / .	<p style="text-align: center;">1. Regarding past competition-related proceedings before the Commission for Protection of Competition (CPC):</p> <p>An action was brought before the Commission for Protection of Competition based on Case File No. K3K-224/12.03.2009 on the grounds of Item 3 of Article 38(1) of the Competition Protection Act (CPA) upon an application by Swissport Bulgaria AD to ascertain violations of Article 21 and Article 36 of the CPA and Article 82(b) of the Treaty Establishing the European Community (TEC) committed by Sofia Airport EAD.</p> <p>By Ruling No 1389 of 17.12.2009 issued by the Commission for Protection of Competition (CPC) on Case File No. K3K-224/20.03.2009, the CPC alleges (pursuant to Item 3 of Article 74(1) of the CPA) violations of Items 1 and 5 of Article 21 of the CPA consisting in restricting the access of Swissport Bulgaria AD to the infrastructure and ground handling facilities of the Sofia Airport through failure to provide access.</p> <p>By Decision No 1409/17.12.2009 the CPC, pursuant to Item 5 of Article 60(1) of the CPA, ascertained that Sofia Airport EAD had not violated Article 102 of the TFEU, or the CPA, as regards the application by Swissport Bulgaria AD concerning:</p>

(a) the allocation of check-in desks at Terminal 2 requested by Swissport Bulgaria AD; the CPC therefore rejected the application by Swissport Bulgaria AD;

(b) the fixing of ground handling charges at a level below the cost of providing the ground handling services; the CPC therefore rejected the application by Swissport Bulgaria AD;

(c) the reduction of the ground handling charges for certain customers; the CPC therefore rejected the application by Swissport Bulgaria AD;

(d) the fixing of ground handling charges aiming at unfairly attracting customers and thus breaching or terminating concluded contracts; the CPC therefore rejected the application by Swissport Bulgaria AD;

(e) the CPC ascertained that Sofia Airport EAD had not, in its capacity as airport administration, engaged in behaviour making it possible to prevent, restrict or distort competition in the ground handling market at the Sofia Airport; the CPC therefore rejected the application by Swissport Bulgaria AD.

By Decision No. 492 of 04.05.2010 the CPC approved the commitments made by Sofia Airport EAD under Article 75 of the CPA and terminated the proceedings on Case File No 224/12.03.2009 regarding the complaints covered by Ruling No 1389 of 17.12.2009 which had been found reasonable.

Swissport Bulgaria AD appealed against both decisions. The proceedings before the Supreme Administrative Court on both appeals were combined in a single case (Case No 943/2010, heard by the Seventh Division of the Supreme Administrative Court).

Administrative Case No. 943/2010 on the docket of the Supreme Administrative Court (SAC), Seventh Division, was brought.

By a Ruling dated 6.12.2011, the SAC terminated the proceedings without considering the appeals by Swissport Bulgaria AD against Decision No 1409/2009 and Decision No 492/2010 on Case File No. K3K-224/2009 after the applicant submitted a waiver of the case pursuant to Article 155(1) of the Code of Administrative Procedure on account of an agreement having been reached.

2. Regarding current competition-related proceedings before the CPC:

An action was brought before the Commission for Protection of Competition based on Case File No. K3K-1074/2012 on the grounds of Item 3 of Article 38(1) of the Competition Protection Act (CPA) upon an application by Swissport Bulgaria AD to ascertain violations of Article 21 of the CPA and Article 102 of the Treaty on the Functioning of the European Union (TFEU) committed by Sofia Airport EAD in relation to the company's pricing policy of imposing unreasonably low prices on the aircraft ground handling market at the Sofia Airport in its capacity as a ground handling operator.

The proceedings before the CPC on Case File No. K3K-1074/2012 were concluded by Decision No. 740 of 5.06.2014, whereby the CPC established that Article 21 of the CPA had not been violated and that there were no grounds for taking action for any violation of Article 102 of the TFEU committed by Sofia Airport EAD, and therefore no fine was imposed on the company.

Decision No. 740 of 5.06.2014 by the CPC was appealed against by Swissport Bulgaria AD before a three-member panel of the Supreme Administrative Court (SAC), and Administrative Case No. 9207/2014 on the docket of the SAC was brought.

By Judgement No.12819/30.11.2015 passed by a three-member panel of the Supreme Administrative Court on Administrative Case No. 9207/2014, the SAC repealed Decision No. 740/05.06.2014 by the CPC on Case File No. K3K-1074/2012 and returned the case file to the CPC to pass a new decision in line with the reasoning contained in the SAC's judgement.

Judgement No.12819/30.11.2015 passed by a three-member panel of the Supreme Administrative Court on Administrative Case No. 9207/2014 on the docket of the SAC was appealed against by Sofia Airport EAD before a five-member panel of the SAC, and Administrative Case No 1906/2016 was brought as a result.

		<p>By Judgement No. 3304/23.03.2016 passed by the five-member panel of the SAC, the SAC upheld Judgement No. 12819/30.11.2015 of its three-member panel on Administrative Case No. 9207/2014 on the docket of the SAC repealing Decision No. 740/05.06.2014 by the CPC on Case File No. K3K-1074/2012 and returned the case file to the CPC to pass a new decision in line with the reasoning contained in the SAC's judgement.</p> <p>In relation to Judgement No. 3304/23.03.2016 passed by the five-member panel of the SAC on Administrative Case No. 1906/2016, Case File No. K3K-145/2016 was brought at the CPC.</p> <p>The CPC passed Decision No. 528/16.05.2017 on Case File No. K3K-145/2016, establishing that Sofia Airport EAD had not violated Article 21 of the CPA and that there were no grounds for taking action for any violation of Article 102 of the TFEU. That decision has been appealed against by Swissport Bulgaria AD and Administrative Case No. 7087/2017 on the docket of the SAC has been brought as a result. That case is still pending.</p> <p>Regarding possible future competition-related proceedings before the CPC: we are currently not aware of any.</p>
3	<p>Please provide information on the number of employees (by division and job position) which shall be transferred to the concessionaire, i.e. employees: (i) the labour function of which falls within the subject of the concession or (ii) the working place of which is included in the subject of the concession; /</p>	<p>This information is available in the Electronic Section of the Data Room – Schedule No. 7.1.3.</p>
4	<p>Please provide information how many trade unions are there in Sofia Airport and provide copy of documents for their legitimation. What is the status of the Union of Workers and Employees of Sofia Airport, UIC 175639002 /</p>	<p>There are two trade unions operating at Sofia Airport EAD: The <u>Trade Union Section</u> of the Federation of Transport Workers under the Podkrepa Confederation of Labour at Sofia Airport EAD, represented by the Chairperson Tsvetanka Georgieva, and the <u>Trade Union Organisation</u> of the Union</p>

		<p>of Transport Workers' Trade Unions in Bulgaria at Sofia Airport EAD, represented by the Chairperson Rostislav Bachvarov.</p> <p>As at 1 August 2018 the number of members of the Union of Transport Workers' Trade Unions in Bulgaria at Sofia Airport is 740.</p> <p>As at 1 August 2018 the number of members of the Federation of Transport Workers under the Podkrepa Confederation of Labour at Sofia Airport is 660.</p> <p>As at 1 July 2018 the employees of Sofia Airport who have joined the collective bargaining agreement is 201.</p> <p>The Union of Workers and Employees of Sofia Airport, UIC 175639002, is a non-profit legal entity represented by Ivan Bozov (as shown in the Commercial Register).</p> <p>This information is available in the Electronic Section of the Data Room – Schedule No. 7.10. (Legitimacy Certificates)</p>
5	Please provide information on whether Sofia Airport is bound by collective bargaining agreement on branch level signed on 13 June 2018 by the trade union of the Association of the employees in the transport industry; if yes – please provide a copy of the collective bargaining agreement /	Yes, the collective bargaining agreement on branch level is applied. A copy can be provided after 15 September 2018.
6	Please provide information if there is an agreement for additional voluntarily pension insurance of the employees on the account of the employer. If yes, please provide copy of the agreement and information on the expenses of the employer /	Sofia Airport only provides compulsory supplementary pension insurance at its own expense as an employer.
7	Please provide information on the type of the collected personal data, approximate number of the data subjects, whose data is being processed and about the registers, which are maintained by Sofia	Sofia Airport EAD is registered as a <u>personal data controller</u> in accordance with the requirements of the Personal Data Protection Act (PDPA) and processes personal data in its capacity as employer. The registers maintained are required by

	<p>Airport EAD in its capacity as data controller. Please provide information whether Sofia Airport EAD is acting as data processor? If yes, what personal data are processed, for which categories of data subjects and in what context? /</p>	<p>the legal regulations on storing the employment files for the company's employees. The processing of personal data of the employees of Sofia Airport EAD is required for the payment of their monthly salaries, and there is a register for that purpose (an electronic software programme); it is also used for notifications to the National Revenue Agency (NRA) and the National Social Security Institute.</p> <p>In addition, the company also acts as a personal data controller in terms of processing personal data of job applicants and contracting parties with whom it has concluded contracts.</p> <p>Sofia Airport EAD is also a <u>personal data processor</u> in relation to the personal data of passengers and visitors, as well as for national security purposes. As a personal data processor the company has legal relations with personal data controllers, in particular airlines to which it provides services as a ground handling operator, and it also acts as a personal data processor in connection with flight ticket sales.</p> <p>Since 28 May 2018, after the entry into force of Regulation (EU) 2016/679, the company has continued processing personal data, such processing being fully in line with the Regulation and with the regulatory requirements in the Republic of Bulgaria. In accordance with the Regulation, the company has also appointed a data protection officer.</p> <p>According to Regulation (EU) 2016/679, Sofia Airport EAD processes both personal data and special categories of personal data.</p>
8	<p>Regarding civil case 9200/2015, civil division, 1-21 panel of Sofia City Court – Please clarify under what circumstances the defendant disputes the ownership of Sofia Airport EAD. Please provide copy of the statement of claim, on the basis of which is formed civil case 9200/2015, civil division, 1-21 panel of Sofia City court, as well as other case relevant documents, including the amendment and supplement from 09.03.2017 to the first statement of claim. /</p>	<p>The defendant in civil case 9200/2015, civil division, 1-21 panel of Sofia City Court, is Velgraf Asset Management AD. The defendant disputes the title of Sofia Airport EAD to the piece of real estate concerned (land), located in Regulated Land Plot (RLP) III according to the development plan (ЧЗПКП) for the Letishten Kompleks Sofia locality, as approved and enforced by Order No. РД-09-50646/04.11.1999 by the Chief Architect of the city of Sofia, arguing that predecessors of the defendant bought the property at issue within the insolvency proceedings against the company Balkan Bulgarian Airlines (АВИОКОМПАНИЯ</p>

		<p>Балкан) based on Orders of Assignment to the Sofia City Court on Commercial Case No. 194/2001.</p> <p>The property at issue is not public state property and is not included in the Concession Site.</p> <p>No copy of the statement of claim or the documents relevant to the pending case will be provided since the dispute does not concern a property included in the Concession Site, according to the published documents.</p>
9	<p>Please, clarify what is the subject of the dispute under commercial case 2259/2017, commercial division, 6-12 panel of Sofia City court, whereas Sofia Airport EAD is claimant. Please provide copy of the statement of claim, on the basis of which is formed commercial case 2259/2017, commercial division, 6-12 panel of Sofia City court, as well as other case relevant documents. Please, include in your response thorough information related to the subject of Agreement 100-Д-151/05.08.2013, as well as for the reasons to file the claim before the court. /</p>	<p>The subject of the dispute under this case are private claims of the company Sofia Airport EAD for provided ground handling and other services which are not included in the subject of the concession procedure. The subject of the Agreement referred to are the same claims.</p>
10	<p>Please, clarify what is the subject of the dispute under commercial case 2679/2017, commercial division, 5-2 panel of Sofia City court, whereas Sofia Airport EAD is claimant, as well as what is the total claimed amount. Please provide copy of the statement of claim, on the basis of which is formed commercial case 2679/2017, commercial division, 6-2 panel of Sofia City court, as well as other case relevant documents. Please, include in your response thorough information related to the subject of Agreement 100-Д-151/05.08.2013, as well as for the reasons to file the claim before the court. /</p>	<p>The subject of the dispute under this case are private claims of the company Sofia Airport EAD for provided ground handling and other services which are not included in the subject of the concession procedure. The subject of the Agreement referred to are the same claims.</p>

11	<p>Regarding civil case 3928/2014, civil division, 1-2 panel of Sofia City court – Please provide information regarding Hemus Air claims for its ownership rights. Please provide copy of the statement of claim, on the basis of which is formed civil case 3928/2014, civil division, 1-2 panel of Sofia City court, as well as other case relevant documents. Please, include in your response thorough information related to the land plot, as well as its purpose. /</p>	<p>Sofia Airport EAD was a third-party intervener in civil case 3928/2014, civil division, 1-2 panel of Sofia City Court, where the claimant was Hemus Air EAD and the defendant was Trans Air EOOD. The case, brought on the legal grounds of Article 108 of the Ownership Act, had as its subject shares of the title to a piece of real estate (land) representing an actual share with a surface area of 18702.12 square metres of Regulated Land Plot (RLP) XVII, quarter 2, according to the Development Plan of the city of Sofia, Letishten Kompleks Sofia locality, designated for cargo, catering, servicing of aircraft and engineering systems, transport and customs. The property at issue is not public state property. Judgement No. 1427/08.06.2018 passed on Civil Case No. 3201 on the docket of the Sofia Administrative Court, 10th panel, is publicly available on the website of the Sofia Administrative Court.</p> <p>With regard to these properties, please also note the further information provided, including a voluntary partition contract, available in the Electronic Section of the Data Room – Schedule No. 17. As a result of the voluntary partition effected in the previous RLP XVII on the authority of Order No ДИ-03-012/27.06.2018 by the Regional Governor of Sofia Region, the property at issue is not within the share belonging to Sofia Airport EAD.</p> <p>No copy of the statement of claim or the documents relevant to the pending case will be provided since the dispute does not concern a property included in the Concession Site, according to the published tender documents.</p>
12	<p>Please, clarify what is the subject of the dispute under civil case 22102/2015, 82 panel of Sofia Regional Court. Please provide copy of the statement of claim, on the basis of which is formed civil case 22102/2015, 82 panel of Sofia Regional court, as well as other case relevant documents. Please include in your response thorough information related to the land plot and the borders, subject to the dispute, as well as to clarify the reasons in view of which Sofia Airport EAD is party to the case. /</p>	<p>Civil Case 22102/2015, 82 panel of Sofia Regional Court was brought based on a claim on the legal grounds of Article 108 of the Ownership Act. The judgement of the Sofia Regional Court is still pending. The claimants are natural persons, and the defendant is the state, represented by the Minister of Regional Development and Public Works. Sofia Airport EAD is a third-party intervener in the case. The property at issue is not part of the Concession Site.</p>

		<p><u>Note:</u> The property identified by the claimants as the subject of the dispute is the property listed in row 14 of the table under Item 4.7. (Land plots which due to their urban-planning characteristics are not appropriate for inclusion in the Concession Site), Section II (Description of the Concession Site) of Schedule 2 in the Tender Documents, LP identifier 68134.709.61, Sofia, Slatina Region.</p>
13	<p>Please, clarify what is the subject of the dispute under administrative case 2028/2018, 29 panel, of Administrative Court Sofia - City, whereas Sofia Airport EAD is concerned party. Please provide copy of the appeal, on the basis of which is formed administrative case 2028/2018, 29 panel, of Administrative Court Sofia - City, as well as other case relevant documents. Please, include in your response thorough information related to for which constructions is refused issuance of certificate for tolerance, as well as for the motives of the administrative body to issue such refusal.</p>	<p>Sofia Airport EAD intervened as a third party concerned in Administrative Case No. 2028/2018 on the docket of the Sofia City Administrative Court, brought based on an appeal by Aviation Services Bulgaria OOD (the information is available for review in the Physical Section of the Data Room, subject to the conditions and procedure laid down in Clause 5.1. of the Tender Documents – Schedule 14.1) against Refusal No. CAГ17-YT00-464-/1/12.12.2017 (with reasoning also stated therein) issued by Mr. Zdravko Zdravkov, Chief Architect of Sofia Municipality (the information is available for review in the Physical Section of the Data Room, subject to the conditions and procedure laid down in Clause 5.1. of the Tender Documents – Schedule 14.1), whereby issuance of a certificate of tolerance for the following constructions was refused: “Eastern Control Checkpoint (security guard booth), western see-through fence with a pedestrian gateway, 19.50 m long, eastern see-through fence with a vehicle boom gate, 19.50 m long”, located in Land Plot No. 68134.709.480 according to the Cadastral Map and Cadastral Registers of the city of Sofia, RLP XLII-18, quarter 2, according to the layout of the city of Sofia, Letishten Kompleks Sofia locality. The case is at the adjudication stage. We also provide the position of Sofia Airport EAD (the information is available for review in the Physical Section of the Data Room, subject to the conditions and procedure laid down in Clause 5.1. of the Tender Documents – Schedule 14.1). Currently the property on which the constructions at issue in the administrative case are located is not included in the concession area.</p>
14	<p>Please, clarify what is the subject of the dispute under administrative case 3891/2018, 68 panel, of Administrative Court Sofia - City. Please provide copy of the appeal, on the basis of which is formed administrative case 3891/2018, 68 panel, of</p>	<p>The subject of the case (the information is available for review in the Physical Section of the Data Room, subject to the conditions and procedure laid down in Clause 5.1. of the Tender Documents – Schedule 14.2) is the legality of Decision 45-00-39/31.03.2018 (the information is available for review in the Physical</p>

	Administrative Court Sofia - City, as well as other case relevant documents. Please provide copy of Decision 45-00-39/31/03/2018 of Execution director GD “GVA”.	Section of the Data Room, subject to the conditions and procedure laid down in Clause 5.1. of the Tender Documents – Schedule 14.2) issued by the Director General of the Civil Aviation Administration Directorate General (CAA), which upholds Decision No. 3-559/30.10.2017 issued by the Executive Director of Sofia Airport EAD laying down the airport charges for the use of the Sofia Airport for the period 1 January 2018 to 31 December 2018, concerning in particular the part of the decision setting equal Passengers Charges for both passenger terminals.
15	Please, clarify what is the subject of the dispute under administrative case 766/2018, 3 department, of Supreme Administrative Court. Please provide copy of the appeal, on the basis of which is formed administrative case 766/2018, 3 department, of Supreme Administrative Court, as well as other case relevant documents. Please, include in your response thorough information related to MTITS inactivity dated 2017. /	The case was terminated by Ruling No. 10308/02.08.2018 by the Supreme Administrative Court and forwarded to the Sofia City Administrative Court as the competent court, and no case has been brought before the latter yet. The subject of administrative case 766/2018 of the Supreme Administrative Court is an action brought under Article 54 of the State Aid Act challenging an act granting state aid consisting in a written instrument, acts and inaction by the Minister of Transport, Information Technology and Communication and by Sofia Airport EAD in respect of the airport charge liabilities of Bulgaria Air AD. The statement of claim argues that the alleged inaction consists in the failure to take measures and undertake actions to collect the airport charge claims in due course and the failure to ensure that such claims are secured by relevant collateral measures. Please note that the information given above concerns actions by the current airport operator Sofia Airport EAD and the claims referred to above are claims of the current airport operator.
16	In respect of the Financial Agreement (published in the State Gazette No 6/16.01.1998) between the Republic of Bulgaria, European Investment Bank and Sofia Airport EAD as may have been amended, could you please confirm whether there are still outstanding obligations of Sofia Airport EAD; please provide any agreement or other arrangement in respect of the extension of Sofia airport which are still in force. /	We confirm that the Financial Agreement (published in the State Gazette No 6/16.01.1998) between the Republic of Bulgaria, the European Investment Bank and Sofia Airport EAD, as amended, has been completed and Sofia Airport EAD has no obligations. The company has no obligations in respect of the Sofia airport extension project either.

17	Pursuant to the Annual Financial Statements 2017 of Sofia Airport EAD (point 21), the Ministry of Transport, Information Technology and Communication and the Civil Aviation Administration have provided financing to Sofia Airport EAD in the amount of 53 002 000 Bulgarian leva. Please provide the financial agreements between Sofia Airport EAD and the financing parties. /	No financing has been provided. What you refer to is a method of settling/accounting for the airport charges between Sofia Airport EAD and the Ministry of Transport, Information Technology and Communication. This method of settling/accounting for the airport charges is laid down in Agreement No. 100-Д-154/10.09.2016, concluded between the MTITC and Sofia Airport EAD. The information is available for review in the Physical Section of the Data Room, subject to the conditions and procedure laid down in Clause 5.1. of the Tender Documents – Schedule 15.
18	Pursuant to the Annual Financial Statements 2017 of Sofia Airport EAD (point 28.2), Sofia Airport EAD concluded an agreement with the Council of Ministers of the Republic of Bulgaria (the Ministry of Transport, Information Technology and Communication) on 10.09.2016 in respect of the terms and conditions for the operation of Sofia airport. Please provide this agreement and confirm whether there are still outstanding obligations of Sofia Airport EAD to the Ministry of Transport, Information Technology and Communication in respect of fees and other costs, collected by Sofia Airport EAD. /	The agreement has been provided – see Item 17 (Schedule 15 in the Physical Section of the Data Room). The agreement is currently being performed.
19	From the Annual Financial Statements 2017 of Sofia Airport EAD, each of First Investment Bank AD and Central Cooperative Bank AD have issue a guarantee for 950 000 Bulgarian leva. Please confirm whether those guarantees are still in force and whether Sofia Airport EAD have still outstanding obligations towards the counterparties in whose favour the guarantees have been issued. /	The Annual Financial Statements indicate the time limits within which the company’s funds securing the bank guarantees are frozen. The bank guarantee issued by First Investment Bank AD is no longer effective. The bank guarantee issued by Central Cooperative Bank AD is effective until 8 September 2018. Sofia Airport EAD has no outstanding obligations.

20	Please provide the agreements on the basis of which First Investment Bank AD and Central Cooperative Bank AD have agreed to issue the guarantees referred above. Please provide the agreements between Sofia Airport EAD and its counterparties pursuant to which Sofia Airport EAD has an obligation to provide the bank guarantees. /	The information concerned is irrelevant to the subject of the concession. The relations between Sofia Airport EAD and the banks as regards the bank guarantees will be settled exclusively between Sofia Airport EAD and the banks, i.e. the concessionaire will not be affected by these claims.
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