

ASSOCIAZIONE VAS

Vita, Ambiente e Salute Onlus

c/o Studio Legale Specca-Pesci

Via G. Valentini, 19

59100 Prato (Po)

P/IVA - C.F.: 92090490480

[Iscrizione Onlus #36309 del 19/10/2012](#)

[Regist. Progressivo 2017 al nro. 6544](#)

[Em@il: associazione.vas.onlus@gmail.com](mailto:associazione.vas.onlus@gmail.com)

[Em@il Pec: associazione.vas.onlus@pec.it](mailto:associazione.vas.onlus@pec.it)



Prato, February 10th, 2021

Julia Egerer

Aerodromes Standards & Implementation Section Manager

Air Operations & Aerodromes Department

Flight Standards Directorate

STAR/JEGE/pgal/FS2.4

Joachim Luecking

General Directorate for Mobility and Transport

MOVE.DDG2.E.4/GC/JL(2021)648507

and copy to:

Gaelle Michelier

Member of Cabinet of Commissioner Adina-Ioana Vălean

Transport security, Air passenger rights

European Aviation Safety Agency (EASA)

Aerodromes Safety Desk

Control Panel

ICAO Headquarters,

Montreal, Canada

Silvia Gehrer

EUR/NAT Regional Director

ICAO Paris

Dott. Alberto Stancanelli

Capo di Gabinetto

Ministero delle Infrastrutture e dei Trasporti

Dott. Renato Poletti

Direttore Generale

Direzione Generale per gli Aeroporti ed il Trasporto Aereo

Ministero delle Infrastrutture e dei Trasporti

Dott.ssa Alessandra Guidi
Prefetto Firenze

Dott. Michele Prestipino Giarritta
Procuratore Capo della Procura della Repubblica
presso il Tribunale Ordinario di Roma

Dott. Giuseppe Creazzo
Procuratore Capo della Procura della Repubblica
presso il Tribunale di Firenze

Avv. Guido Giovannelli
Giovannelli, Masi, Cecconi & Associates, Law Firm
Florence

Subject: Florence Airport – present runway 05/23 Ref. Ares(2021)639567 - 26/01/2021 and Ref. Ares(2021)928142 – 03/02/2021

Dear Dr. Egerer and Dr. Luecking,

Thank you for your replies to our complaint, which do not satisfy us for the following reasons. Perhaps we were not clear, or perhaps you have overlooked some aspects of the question.

Dr. Egerer repeats that EASA is not the competent authority, forgetting that the EU, a political-administrative and moral subject, has the obligation to apply the precautionary principle.

We wrote to the EU precisely because the Italian authorities have failed to produce any documents that authorize Florence airport to operate. If no such documents exist, the airport is operating illegally.

You will have noticed that our letters refer to incorrect and/or false airport certification.

With Legislative Decree no. 250/1997, art.1, paragraph 2, the Ministry of Infrastructure and Transport attributes competence to ENAC: "ENAC is subject to the guidance, supervision and control of the Minister of Transport and Navigation." Art. 687 of our navigation code states that ENAC acts as "the sole authority for technical regulation, certification, supervision and control in the civil aviation sector."

Despite the laws on transparency of government, in the last two years, not even the Ministry for Infrastructure and Transport has been able to obtain a copy of the airport authorization documents from ENAC. ENAC has officially stated that the Interministerial Decree of Environmental Impact Assessment no. 0676/2003 has not been complied with and consequently nor has the mandatory Urban Planning Compliance pursuant to Presidential Decree 383/1994.

We have already pointed out that among the provisions of decree no. 0676/2003, also issued for safety reasons after the commercial Air Littoral plane crash in 1997, the airport was required to build a taxiway and a tunnel for the A11 motorway. This work has not been done, despite the fact

that there have been further accidents in general aviation, one of which involved the private jet of the pop singer Sting!

https://en.wikipedia.org/wiki/Air_Littoral_Flight_701

https://ricerca.gelocal.it/iltirreno/archivio/iltirreno/2004/03/13/LA6PO_LA607.html

In the current situation, no one has been able to obtain a copy of the **airport authorization documents in force in the period up to 2000** (i.e. prior to the Interministerial Decree of Environmental Impact Assessment no. 0676/2003, not yet complied with). ENAC claims it does not have time to trace them, which makes one doubt whether they ever really existed, in which case it is difficult to understand how this airport can operate.

This is why we turned to EASA, because an unauthorised airport cannot be certified, which is where, in our opinion, the precautionary principle of EU law comes in. Italian, European and non-European citizens traveling to and from this airport need to be assured that the airport is safe.

This is a safety question, which is the competence of EASA. EASA cannot accept a false certification of an airport that does not comply with the requirements of an Interministerial Decree, which *for safety reasons*, ordered the building of a tunnel for the A11 motorway and construction of a taxiway. This was prescribed and mandatory as per paragraph e) "safety" page 17 of Interministerial Decree 0676/2003, where the aircraft crash of 1997 is specifically mentioned.

On a question of safety, we submit that EASA cannot turn away or claim not to have competence.

Replying now to Dr. Luecking, we thank him for suggesting the reporting procedure as per article 5 paragraph 2 and 3 under UE regulation 376/2014. We have already tried this procedure with ENAC without success. We are therefore turning to you about what we can only conclude must be an incorrect or false airport certificate.

To illustrate some omissions, in 2017 we pointed out to ENAC that the length of the Florence runway was indicated as 1750 m (instead of 1560 m) in the official information for pilots issued by ENAV on 13 July 2013. You can verify this in your database. The correct runway length was subsequently indicated on the airport certificate in 2017. Since ENAC declares that the Interministerial decree of Environmental Impact Assessment no. 0676/2003 has not been complied with, this wrong information was presumably available to pilots for 10 years (2003-2013) and certainly available for 4 years (2013-2017). **Pilots planning to land in Florence therefore believed they had an extra 190 m of runway that in fact did not exist!**

Unfortunately when we asked ENAC to provide documents about the airport's authorization and compliance, they did not answer, as you can see from the attachment. They also avoided replying to the Ministries and to the Commission Access Acts at the Presidency of the Council of Ministers, which legitimized our request.

On 2 July 2018, ENAC amended the Airport Certification procedure according to Regulation EU 139/2014 and the Regulation CE 216/2008 named "basic regulation".

The new airport certification rules "Regolamento per la Costruzione e l'Esercizio degli Aeroporti (RCEA), paragraph 1, concern: le caratteristiche fisiche dell'aeroporto, le infrastrutture, gli impianti, i sistemi ed le aree ad esso limitrofe (certificazione delle infrastrutture); the taxiways are dealt with in arts. 32 and 45, attachment I sub attachments II and IV.

We therefore ask how the airport can be certified without “certifying the infrastructure”, without mandatory Urban Planning Compliance pursuant to Presidential Decree 383/1994, and without the mandatory taxiway, an ***additional element of safety***, prescribed in Interministerial Decree of Environmental Impact Assessment no. 0676/2003.?

Last but not least, EASA's email of 25 Nov 2016 (footnote 1 of Dr. Egerer's letter of 26/1/2021), refers to the complaint about "new airport runway 12/30", authorization of which has now been rejected by the Italian Council of State.

Our current complaint concerns the existing runway 05/23.

Yours sincerely,

Gianfranco Ciulli
President
Associazione VAS Onlus

Attachments:

ENAC's letter to VAS 2020 - Jun 16th

Poletti's letter to ENAC, 2020 - Dec. 22nd

ENAC's letter to others 2021 - Jan 15th

Our letter to Poletti , 2021 - Jan 26th

EASA letter to VAS, 2021- Jan 26th

Poletti's letter to VAS 2021- Jan. 28th

Our letter to Poletti , 2021 - Jan 29th

Luecking's letter to VAS, 2021 - Feb 3rd

Interministerial Decree 0676/2003

AIP 2013