

WFW ADVISES RYANAIR ON SUCCESSFUL APPEAL FOR TERRITORIAL CONTINUITY FROM TRAPANI AIRPORT

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Watson Farley & Williams (“WFW”) represented Ryanair in its successful appeal against the Italian Ministry of Infrastructure and Transport’s Decree No. 2/2020 (the “Ministerial Decree”), which had imposed Public Service Obligations (“PSOs”) on scheduled air services to and from Trapani airport to guarantee territorial continuity, as well as subsequent procedures for assigning traffic rights, on an exclusive basis and with compensation, to competitor carriers TayaranJet Jet and AlbaStar.

The Italian Council of State confirmed the Lazio Regional Administrative Court’s decision no. 12045 of 23 November 2021, observing that the Ministerial Decree conflicted with the principles of the relevant European legislation (*i.e.* EU Reg. 1008/2008), which states that PSOs should only be imposed on routes considered necessary for the economic and social development of the region served by a certain airport.

PSOs from Trapani airport to several Italian minor destinations were not considered necessary for the purpose of ensuring citizenship rights (work, education, and medical assistance) for local residents as said rights are, in fact, already ensured by means of existing flights to Rome, Milan, Naples, and Cagliari as major “administrative, business, education and mobility centres”.

The decision is a noteworthy one, as it sets the benchmark for the competent authorities in cases concerning territorial continuity. It also confirmed the exceptional nature of the imposition of public service obligations, which cannot be used to satisfy commercial needs, nor to guarantee the right to widespread mobility where the strict requirements set forth by EU legislation are not met.

The WFW Italy Regulatory team advising Ryanair comprised of Counsel Giannalberto Mazzei, Of Counsel Matteo Castioni, Senior Associate Alessandro Di Carlo, and Trainee Ludovica Cesari.

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