

**AMENDMENT TO THE REGULATION
of the exercise of rental car services
by off-airport companies
with duly established reservation (Oporto Airport)**

Whereas:

- a) After the date of entry in force of this regulation on the exercise of rental car services by off-airport companies with duly established reservation at Lisbon Airport, adjustments needed to be made in its wording so that its provisions are absolutely in line with the Highway Code, approved by Decree-Law No. 114/1994 of 3 May, in its current version, regarding the removal of vehicles from public roads;
- b) It is also pertinent the compliance of this Regulation with the Traffic Signalling Regulation approved by Regulatory Decree No. 22-A / 98, of 1 October, in its current version;

In accordance with the provisions of Article 7(g) of Decree-Law No. 254/2012 of 28 November and Clause 31.1(f) of the Concession Contract of the Public Airport Service Contract to support Aviation Civil concluded with the Portuguese State on 14 December 2012 in conjunction with Article 142 (1) of the Code of Administrative Procedure, approved by Decree-Law No. 4/2015 of 7 January, to proceed with the following amendments of the regulation of the exercise of rental car services by off-airport companies with duly established reservation (Oporto Airport):

Article 1

**Amendment to article 3 of the exercise of rental car services by off-airport companies with
duly established reservation (Oporto Airport)**

The article 3 of the regulation of the exercise of rental car services by off-airport companies with duly established reservation (Oporto Airport) shall be replaced by the following:

“Article 3

Condition for the exercise of services allowed at the Airport

- 1. (...)
- 2. (...)
- 3. The vehicle return at the Airport by Entities customers, unless at the airport public car parks or at the appropriate places for the exercise of the activity, as defined in this Regulation, may be subject to removal from the place and all costs and fees will be borne by the Entity.
- 4. (...)
- 5. (...)
- 6. (...)
 - a) (...)

- b) The Entity must deliver and / or return the vehicle or Shuttle at locations clearly marked for this purpose in Annex I - Plans (identified as "RAC Park"), and only at these, otherwise, incur in breach of this Regulation;
 - c) (...)
 - d) (...)
 - e) (...)
7. (...) "

Article 2

Entry into force

The amendment of this Regulation shall take effect on the day following that of its publication.

Article 3

Re-publishing

The regulation of the exercise of rental car services by off-airport companies with duly established reservation (Oporto Airport) is republished.

REGULATION
of the exercise of Rental Car services
by off-airport companies
with duly established reservation (Oporto Airport)

Whereas:

- a) In accordance with Article 11 of Decree-Law No. 181/2012 of 6 August, which lays down the exercise of the activity and access conditions of passenger car rental without driver, with duly established reservation, the lessor may deliver the vehicle in the transport terminals operation area, or elsewhere on which rental starts, even if the lessor does not have a fixed establishment or customer service for this purpose at the airport;
- b) Recent years have seen a growing number of off-airport entities, which in the exercise of the right of access, associated by the law to the Advance Reservation, parking passenger vehicles, as well as shuttles at the arrival and departure terminal curbsides. This affects the normal operation of the airport access system and disturbs the regular and orderly movement of vehicles and pedestrians in the curbsides area and the respective access roads;
- c) There is also a growing number of off-airport entities that, under cover of an alleged Advance Reservation, proceed to the acquisition of new customers as well as the conclusion of contracts with customers without Advance Reservation in clear disregard by the constraints established by law;
- d) ANA, SA holds the exclusive airport public service concession in support of Civil Aviation at national airports under Decree-Law No. 254/2012 of 28 November, duly agreed with the Portuguese State under Public Airport Service Contract to support Aviation Civil concluded on 14 December 2012;
- e) In this context, it is for ANA, SA to ensure the normal and effective access to curbsides of the national airports in a safe and orderly manner, thus allowing the proper operation of the terminal without disruption to the normal operation of airport infrastructures and their users;
- f) In accordance with the provisions of Article 7(g) of Decree-Law No. 254/2012 of 28 November and Clause 31.1(f) of the Concession Contract, for exercising its functions ANA, SA has powers and prerogatives granted by the Portuguese State in development and implementation of regulations within the concession activity at airports that it administers;
- g) It is therefore essential to regulate the regime of occupation and use of airport public domain of the airports administered by ANA, S.A. by all off-airport entities that are legally performing car rental activities;
- h) To this end, ANA, SA has defined the set of rules relating to this occupation and use by facilitating its analysis and debate, particularly with associations of car rental companies, which collaborated widely and actively in the debate on this Regulation;
- i) This Regulation meets the needs of all parties as it allows the provision of public airport service in support of civil aviation under appropriate conditions by ANA, SA, ensuring the public interest and allows off-airport car rental companies the provision of a quality service to its customers, without disturbances derived from operational constraints.

Based on the foregoing, in accordance with the provisions of Article 7(g) of Decree-Law No. 254/2012 of 28 November and Clause 31.1(f) of the Public Airport Service Concession Contract to support Aviation Civil concluded with the Portuguese State on 14 December 2012, ANA, SA approved this Regulation, which is governed by the following articles:

Article 1

Subject Matter

This regulation lays down and defines the conditions required for access and stay into airport perimeter of Oporto Airport, administered by ANA, SA for the exercise of the activity of rental car without driver, by natural or legal persons that do not have establishments or facilities at the Airport.

Article 2

Definitions

In this Regulation, the following words whenever starting with capital letter and unless the context otherwise requires shall have the following meanings:

- a) **Airport:** Francisco Sá Carneiro Airport, Oporto, administered by ANA, SA under Concession Contract concluded with the Portuguese State.
- b) **Entities:** any natural or legal person entitled to exercise the activity of rental car and established in national territory that do not have establishments or facilities at the Airport.
- c) **Rental Car:** the activity of passenger rental car without driver pursuant to Decree-Law No. 181/2012 of 6 August.
- d) **Advance Reservation:** reservation of the Rental Car service, duly established pursuant to Article 11(4) of Decree-Law No. 181/2012 of 6 August.
- e) **Shuttle:** private collective transport mode for client transportation, which serves to support Entity business and is not intended for rental.

Article 3

Condition for the exercise of services allowed at the Airport

1. The access to the relevant airport perimeter by Entities for the exercise of the right of access legally associated to the existence of Advance Reservation duly proven by ANA, S.A. is allowed.
2. For the purposes of the preceding paragraph, the exercise of the right of access associated with the existence of Advance Reservation by the Entities includes the delivery of passenger vehicles without driver to the customer that has an Advance Reservation as well as Shuttles picking-up of customers with Advance Reservation.

3. The vehicle return at the Airport by Entities customers, unless at the airport public car parks or at the appropriate places for the exercise of the activity, as defined in this Regulation, may be subject to removal from the place and all costs and fees will be borne by the Entity.
4. The access to the airport perimeter by Entities to deliver vehicles to customers with Advance Reservation is carried out through the ticketing barrier to entry in the places specified in Annex I - Plans, or the use of specific flat-rate card to be issued by ANA, SA and must abide by payment of the charge required in Article 5 and Annex II – Tariff.
5. The access to the airport perimeter by Entities to Shuttles pick-up of customers with Advance Reservation is carried out using specific flat-rate card to be issued by ANA, SA and must abide by payment of the charge required in Article 5 and Annex II – Tariff.
6. The exercise of the right of access associated to the existence of Advance Reservation under the preceding paragraphs is subject to the following operational and functional conditions:
 - a) The Entity intending to promote vehicle delivery and / or pick up customers at the Airport by using a flat-rate card must, with no less than 72 hours advance notice, direct its request for card issuance in writing as well as fill and send the respective "Parking Flat-rate Form" scanned (see Annex III - Flat-rate Form) to ANA, SA, accompanied by the scanning of the registration certificate of the vehicle / Shuttle to which it is associated, through the following contact (or in person at pick up cards point) shown below:

Anaporto@empark.pt

The subsequent pick-up of the flat-rate card must take place at manual machine of ANA, SA Parking, at the airport, located in PO Park;

- b) The Entity must park the vehicle /Shuttle to be delivered and / or returned in clearly marked locations for this purpose in Annex I - Plans (identified as "RAC Park"), and only at these, otherwise, incur in breach of this Regulation;
- c) The flat-rate regarding the exercise of Rental Car activity is valid for a fixed period, renewable for the same period, and concerns to a single registration and is only possible to change the registration by special reason (proven) and authorization by ANA, SA that may not unreasonably withhold this authorization. If ANA, SA is silent as to a request for registration of alteration permit, after a maximum period of 3 days it is considered such alteration accepted;
- d) The entity intending to promote the car rental delivery and / or return at the airport by ticketing at entrance of the places listed in Annex I - Plans must, during the first year of this Regulation pay charge corresponding to a maximum stay of 45 minutes. Once that fraction of time elapsed, there will be an additional charge for each period of 15 minutes, as provided for in Article 5 and Annex II - Tariff. The amounts to charge must be paid partially with the first exit movement of the vehicle and the remaining with the second such movement thereof, both corresponding to the same passenger car rental without driver contract;

- e) In the case of ticket loss or misplacement the provisions of “*Regulation Governing the Use of ANA Car Park*” shall apply;
- f) The entities are responsible for any damages to the premises of the airport or to third party, whilst exercising their right of access to the Airport, subject matter of this Regulation, by wrongful conduct or gross negligence of their staff or third personnel for whom they are responsible.

Article 4

Monitoring and supervision by ANA, SA

1. ANA, SA has the right to monitor or supervise, directly or via personnel hired for this end, all access by the Entities to the Airport perimeter for the purposes of delivery of passenger vehicles without driver to customers with Advance Reservation, or to pick-up customers with Advance Reservation, as provided for in this Regulation;
2. ANA, SA may also, directly or through an entity contracted for this purpose, carry out information collection, namely by sampling, including the use of technological means;
3. In exercising its powers of monitoring and supervision of compliance with this Regulation ANA, SA cannot interfere in the personal contacts between the Entities and their customers with Advance Reservation.

Article 5

Charges

1. The access to the airport perimeter by Entities to deliver vehicles without driver to customers with Advance Reservation and / or Shuttles picking-up of customers with Advance Reservation gives rise to the payment to ANA, SA of the charge provided for in article 39(1)(b) of Decree-Law No. 254/2012 of 28 November.
2. The amounts to charge are set out in Annex II - Tariff to this Regulation and are upgradeable by ANA, SA, and during the first three years, this update shall be limited to the evolution of the CPI (Consumer Price Index) on the mainland, excluding housing, published by the National Statistics Institute until 31 December of the year preceding the year in question.
3. The charge referred to in preceding paragraphs shall be paid in either a manual or automatic machine of car parks, in cash or by bank card.
4. Payments of the amounts charged, referred to in Article 3(6)(d)(e) of this Regulation must be effected at any manual or automatic machines through reading of the flat-rate card. In case tickets are used, payment is to be made before the vehicle leaves the park.
5. Flat-rate card issue is subject to payment of the amount referred to in Annex II - Tariff, as a charge for services under Article 37 of Decree-Law No. 254/2012 of 28 November.

Article 6

Activities or services not allowed at the Airport

1. Entities are expressly prohibited from performing the following activities at the Airport:
 - a) The exercise of any activity or specific service of the Rental Car activity, namely customer acquisition, conclusion of new agreements without Advance Reservation, as well as delivering vehicles or picking-up customers, even with Advance Reservation, by a natural or legal person who is not legally empowered for that purpose;
 - b) Any means of customer acquisition by Entities at the Airport, and conclusion of contracts by Entities with customers without Advance Reservation under Article 11 of Decree-Law No. 181/2012, the conclusion of the contract with the client that already has Advance Reservation shall not be considered a conclusion of a new contract;
 - c) The vehicle delivery and / or the customer pick-up, even with Advance Reservation in any public parks of the Airport or outside the clearly marked locations for this purpose provided for in Annex I - Plans without being duly authorized by ANA, SA;
 - d) The vehicle delivery and / or customer pick-up at the airport through the ticketing in the places listed in Annex I - Plans without effecting the movement of entry or exit of the vehicle;
 - e) The exercise by the Entities of any other activities beyond the delivery of vehicles to customers with Advance Reservation and / or Shuttles picking-up of customers with Advance Reservation;
 - f) The exercise of Rental Car activity in which employees of Entities are not duly identified, by any means;
 - g) The exercise of Rental Car activity using vehicles or shuttles not duly identified, by any means;
 - h) The use of third parties to defraud the terms of Rental Car activity governed by this Regulation and the use of illegal labour;
 - i) The use by any Entity of spaces within the Airport perimeter for any kind of advertising, either for the Entity or for a third party;
 - j) The execution and dissemination of business proposals by any Entity outside the perimeter of the park identified in Annex I - Plans as well as the distribution of leaflets or other means of promotion;
 - k) The refusal of the Entity identification in breach of the obligations of this Regulation, when asked about this by workers or employees hired by ANA, SA or by security forces present in the Airport;
 - l) The edification or use of Entity identification as a means of advertising for their services;
 - m) The use of Shuttles should be limited to the places identified in the public airport domain, and Entities are prohibited from transporting their customers to those places.

2. For the purposes of this Regulation, ANA, SA may use all available means to identify the Entity in breach, including CCTV and others installed at the Airport;
3. Whenever requested by ANA, SA, or personnel hired expressly for this purpose, the Entities, their respective employees and staff, shall prove the existence of Advance Reservation pursuant to Article 11 of Decree-Law No. 181/2012 of 6 August, always without interfering with personal contacts between the Entities and their customers with Advance Reservation;
4. The occurrence of any of the conduct referred to in paragraph 1 of this Article gives ANA, SA the right to suspend or, if is not a first infraction, to prevent access to clearly marked locations - Annex I, Plans - to the continuation of Rental Car activity, through an administrative proceeding established for this purpose, which guarantees the rights of defence.

Article 7

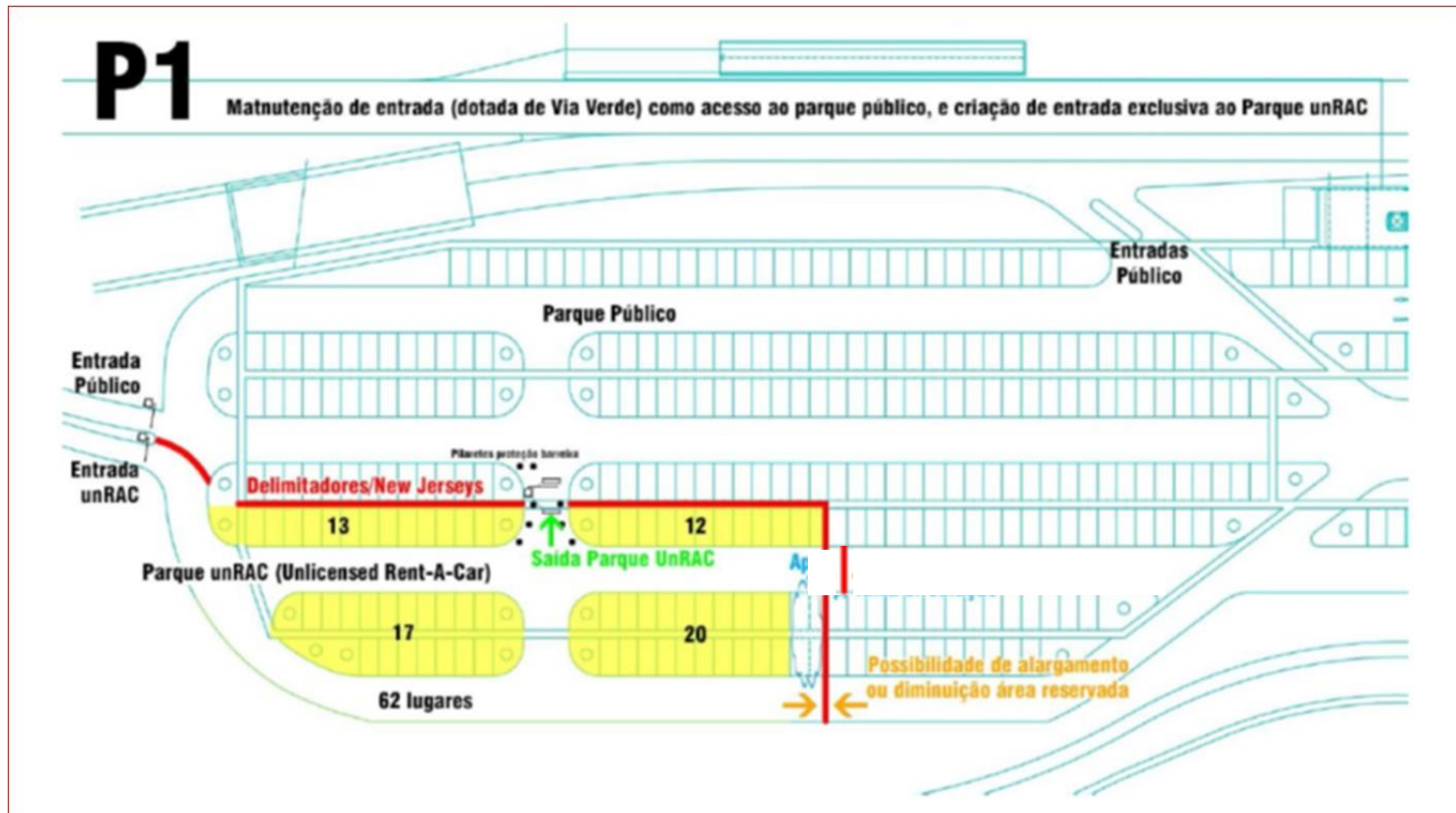
Entry into force

This Regulation shall enter into force on 27 May 2015.

ANNEX I - PLANS

Oporto Airport

(Temporary location while the P7 is not built)



(Final location after construction of P7)



ANNEX II – TARIFF

OPORTO AIRPORT	Vehicle Type	
	Vehicles	Shuttles
Flat-rate per Plate number (VAT included)		
Monthly Flat-rate	34 €	-
Quarterly Flat-rate	102 €	-
Half-Yearly Flat-rate	204 €	-
Yearly Flat-rate	408 €	16.500 €
Every 15 min. after the initial 45 min (24:00 – 18:00) **	1,00 €	1,50 €
Every 15 min. after the initial 45 min (18:00 – 24:00) **	0,30 €	1,50 €
Issuance cost of flat-rate card	8,00€	8,00€
Tariff per visit by using a ticket (VAT included)		Vehicle
0-45 min.		8,5 € *
Every 15 min. after the initial 45 min (24:00 – 18:00) **		1,00 €
Every 15 min. after the initial 45 min (18:00 – 24:00) **		0,30 €

* This value is divided into two payments of € 4.50 (one in the delivery of the car to the client and the other upon return).

** ANA may change these times where it appears that it may affect the operation of the park in question. The tariff between 18:00 and 24:00, shall apply only after the entry into operation of the P7, applying until then the flat rate of € 1.00.

**ANNEX III – FLAT-RATE
FORM**