

REGULATIONS

for the operation and use of lounges at airports managed by ANA, S.A.

Explanatory Note

Pursuant to Article 5(1) and (6) of Decree-Law 254/2012, of 28 November, and via the public airport service concession contract signed with the Portuguese State on 14 December 2012 for airports located in mainland Portugal and the Autonomous Region of the Azores, as well as the public airport service concession contract signed with the Portuguese State and *ANAM - Aeroportos e Navegação Aérea da Madeira, S.A.*, on 10 September 2013, at the airports located in the Autonomous Region of Madeira, which was transferred to ANA, S.A. through the merger process that took place in 2014, ANA, S.A. holds, on an exclusive basis, the public airport service concession to support civil aviation at the airports of Lisbon (Humberto Delgado), Porto (Francisco Sá Carneiro), Faro (Gago Coutinho), Ponta Delgada (João Paulo II), Santa Maria, Horta, Flores, Madeira, Porto Santo and the Beja Civil Terminal, until the end of the period laid down in the concession contracts.

For the provision of the public service now under concession, ANA, S.A. holds, among other powers and prerogatives of authority, the power to draw up and apply regulatory rules as part of the concession activity, specifically with regard to safety, the environment, and access to and use of the services included in airport activities and services, under the terms of Article 7(1)(g) of Decree-Law no. 254/2012 of 28 November, as well as clause 31.1(f) and clause 30(f), respectively, of the aforementioned Concession Contracts.

Under these enabling rules, on May 27th ANA, S.A. formally initiated the procedure for approving the regulations governing the operation and use of lounges at Airports under ANA, S.A. management, under the terms and for the purposes of Article 98(1) of the Code of Administrative Procedure (hereinafter CPA), approved by Decree-Law no. 4/2015, of 7 January.

To this end, ANA, S.A. published on its website the start of the procedure, the date on which it began, its purpose and the way in which interested parties were to be constituted and contributions made with a view to approving the regulation.

The procedure in question is justified because ANA, S.A.'s mission, within the scope of the concession activity, is to provide and manage airport infrastructures, and it is specifically responsible for managing, improving and providing specific areas for the embarkation, disembarkation, transfer or transit of passengers, cargo and mail, the organisation of airport spaces, and the arrangements for their occupation and use.

ANA, S.A. has identified advantages in creating and regulating reserved access areas, known as lounges, at certain airports in the ANA network, where passengers waiting to board, transit or transfer are offered a differentiated and personalised service, which is reflected in the provision of a range of facilities.

This solution is admissible when taking into account the provisions of Article 70 of Decree-Law no. 254/2012 of 28 November, which allows the management entity to diversify the quality and scope of certain services, with the aim of providing personalised services, and to set the corresponding charge according to their quality.

ANA, S.A. believes that the provisions contained in this regulation and the corresponding charges will make a decisive contribution to a better travelling experience and access to the services provided at the airport infrastructures in question. This will allow for gains in efficiency and use of the facilities that the airports in the ANA network make available to their passengers.

With regard to the benefits naturally arising from the application of the regulation that we intend to approve, these are reflected in the improvement of the well-being and experience of passengers, through the provision of specific and differentiated conditions and facilities as part of the lounge service. As regards costs, we consider that the corresponding service provision charge set for the purchase of the lounge service is admissible, taking into account the provisions of Article 72(2) of Decree-Law no. 254/2012 of 28 November, and is fair, appropriate and proportional to the benefit obtained.

Accordingly, we intend to approve the draft regulations for the operation and use of lounges at Airports managed by ANA, S.A., under the regulatory power provided for in article 7(1)(g) of Decree-Law no. 254/2012, of 28 November, as well as clause 31.1(f) and clause 30(f), respectively, of the aforementioned Concession Contracts.

The draft Regulation also complies with the rules set out in Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 and other applicable legislation on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, having analysed the nature and risks of processing personal data for their holders and thus applying the principles of data protection by design and by default, namely data minimisation and the most appropriate information security measures.

In accordance with the provisions of Article 101 of the Code of Administrative Procedure, the draft Regulation was subject to Public Consultation, facilitated by publication in Diário da República, as the official publication of the public organisation, and on ANA, S.A.'s website.

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Whereas:

- (i) ANA, S.A. is the entity legally responsible for the administration, management and operation of airport infrastructures and, in order to carry out its duties, has the powers and prerogatives of authority set out in Article 7 of Decree-Law 254/2012 of 28 November and in Clauses 30 and 31 of the Airport Public Service Concession Contracts signed with the Portuguese State;
- (ii) At certain airports in the ANA network there are reserved access areas, commonly known as lounges, where passengers wait to board, transit or transfer and are offered a differentiated and personalised service, reflected in the provision of a range of facilities;
- (iii) Lounges are currently available at Humberto Delgado (Lisbon), Francisco Sá Carneiro (Porto), Gago Coutinho (Faro) and Madeira airports, under the management of ANA, S.A., and the rules regarding this lounge service and the types of customers who request it need to be defined;
- (iv) ANA, S.A. may, under the terms of Article 70 of Decree-Law no. 254/2012, of 28 November, diversify the quality and scope of certain services with the aim of providing personalised services;
- (v) ANA, S.A. also has the power to draw up and apply regulations of a general and abstract nature within the scope of the concession activity, which may produce external legal effects;
- (vi) The concessionaire intends to regulate, establish and organise the terms and conditions governing the provision of the lounge service by adopting these regulations.

Based on the above, and pursuant to Article 7(g) of Decree-Law no. 254/2012, of 28 November, clause 31.1(f) of the Airport Public Service Concession Contract for Civil Aviation Support at airports located in mainland Portugal and the Autonomous Region of the Azores, and clause 30(f) of the Public Airport Service Concession Contract for airports located in the Autonomous Region of Madeira, ANA, S.A. approves these regulations, which are governed by the following articles:

Article 1

(Definitions)

In these Regulations, whenever they begin with a capital letter, and unless the context clearly indicates otherwise, the terms listed below shall have the meaning ascribed to them below, regardless of whether they are used in the singular or plural:

- a) **Airport:** Currently, the airports of Lisbon, Porto, Faro and Funchal, with the name given to them, and others where ANA, S.A. shall make the lounge service available, to which this regulation applies;
- b) **ANA, S.A.:** ANA – Aeroportos de Portugal, S.A., the concessionaire of the public airport service to support civil aviation at airports and the managing entity of these airports, under the terms of Article 5 of Decree-Law no. 254/2012, of 28 November and the concession contracts signed with the State;
- c) **Customer:** Passenger or airline or similar organisation requesting access for a specific passenger to the airport lounge and its associated service, upon payment of the relevant charge;
- d) **B2B Customer:** Airline requesting access for a specific passenger to the airport lounge and its associated service, upon payment of the corresponding charge;
- e) **B2C Customer:** Passenger requesting access to the airport lounge and its associated service for themselves, upon payment of the corresponding charge;
- f) **Lounge:** A physically defined space, located at the airport, with access reserved for passengers boarding, in transit or transferring, and where a range of facilities is offered, upon payment of the respective lounge service charge;
- g) **Operator:** Company contracted by ANA, S.A. to provide the service of managing one or more lounges at airports;
- h) **Passenger:** Person to be transported on an aircraft, with the consent of the airline, who accesses the lounge and benefits from this service;
- i) **Additional Service:** Any assistance service not covered by the lounge service that can be purchased upon prior request and payment of the relevant charge;
- j) **Lounge service:** a range of facilities provided in airport lounges.

Article 2

(Purpose and Scope)

1. The purpose of these regulations is to regulate access, operation and use of lounges at airports and the terms for providing the lounge service.
2. These regulations apply to all lounges currently in operation, or which may come into existence at airports, and to all customers who benefit from the lounge service.

Article 3

(Management and Operation of the Lounges)

1. Under the terms of the law, ANA, S.A. administers, manages and operates the lounges at airports.
2. In exercising its powers of administration and management, ANA, S.A. defines the conditions and rules for the provision of the lounge service, by levying a service charge under the terms of the law and these regulations.
3. ANA, S.A. reserves the right, at any time and without prior written notice, to change the location and opening hours of the lounges and to alter the scope of the lounge service.
4. Notwithstanding the provisions of the previous paragraph, ANA, S.A. shall make relevant and up-to-date information available to its customers at the reception of each lounge and on its website.
5. ANA, S.A. may hire operators to administer and manage the lounges.

Article 4

(Provision of Lounge Service)

1. The lounge service is provided to passengers at the request of the B2B and/or B2C Customer.
2. When the lounge service is requested by the B2B Customer, the latter must identify the conditions under which the passenger benefiting from this service is authorised to access the lounge, in particular specifying the ticket classes and cards associated with this access authorisation and the provision of the lounge service.
3. When the lounge service is required by the B2C Customer, the latter must present the boarding pass or biometric data, where applicable, and/or the voucher proving the purchase of the service.
4. The provision of the lounge service in favour of the Passenger is non-transferable and may not be assigned to third parties.

5. The Passenger's right to access the lounges and benefit from the corresponding service must be checked by the receptionist, who is obliged to prevent unauthorised access under the terms of the previous paragraphs and to report any irregularities to ANA, S.A.
6. The lounge service must be provided under the terms of the operating rules approved by ANA, S.A. and duly publicised on its website and at the entrance to each lounge.

Article 5

(Availability of Lounge Service)

1. The opening hours of the lounges are available at the reception of each space and on the ANA, S.A. website.
2. The availability of each lounge may vary depending on its opening hours, capacity limitations or specific constraints on access for operational reasons, such as work that requires it to be temporarily shut down.
3. Whenever possible, the closure of a lounge must be communicated to customers by the appropriate means, at least 72 (seventy-two) hours in advance, indicating the period during which it will take place and when it is expected to reopen.
4. Notwithstanding the provisions of the previous paragraph, the scheduled closure of a lounge for any reason must be communicated to customers at least 7 (seven) days in advance, specifying the period during which it will take place and when it is expected to reopen.

Article 6

(Access to the Lounge Service)

1. To access and use from the lounge service, passengers must present their duly encoded boarding pass or biometric data, where applicable, and/or proof of booking the service (access voucher), at the reception of the lounge they wish to access.
2. Passengers must follow the instructions given by the staff at the lounge reception.
3. Access to the lounge is limited to B2C Customers and Passengers of B2B Customers and, where applicable, accompanying persons.
4. Entry to the lounge is only permitted up to a certain time before the scheduled boarding time shown on the boarding pass or biometric data, where applicable, when registering for access to the lounge. This period is defined under the terms of the operating rules approved by ANA, S.A. and duly publicised on its website and at the entrance to each lounge.

Article 7

(Lounge Service)

1. Access to the lounge includes entering and staying in the space, namely in the seating areas, rest areas and areas with food and drink on offer, as well as the provision of the corresponding lounge service, under the terms of the following paragraph.
2. The lounge service includes the following services:
 - a) The Passenger is authorised to stay in the lounge for a maximum defined period under the terms of the operating rules approved by ANA, S.A. and duly publicised on its website and at the entrance to each lounge;
 - b) Provision of seating with a high level of comfort;
 - c) Appropriate cleaning and tidying of the entire lounge area;
 - d) Access to toilets during opening hours;
 - e) Attendance by suitably trained staff, who shall provide the necessary assistance;
 - f) Permanent availability of quality food and drink;
 - g) Access to a wireless internet connection; and
 - h) Provision of up-to-date flight status information on the corresponding SIVV monitors.
3. Access to other areas of the lounge and the provision of services not included in the previous paragraphs shall be considered additional services and are subject to a separate request and payment of the respective charges.
4. The lounge service does not include the boarding service, and the Passenger is responsible for complying with the timetables set by the airline.
5. ANA, S.A. reserves the right, at any time, to limit, alter and/or modify benefits, services, location and lounge hours, and keeps this information updated at the reception of each space and on ANA, S.A.'s website.

Article 8

(Supervision and Monitoring)

ANA, S.A. supervises and monitors the use of the lounges, either by itself or by third parties, using human resources.

Article 9

(Service Provision Charge)

1. The provision of the lounge service is subject to the payment of a service charge, as provided for in Article 37 of Decree-Law no. 254/2012, of 28 November, known as the lounge service charge.
2. ANA, S.A. must publicise the amounts of the respective service charge in force at any given time on its website and in each of the lounges.
3. ANA, S.A. may update, revise and alter the amounts of the lounge service charge.

Article 10

(Payment of the Lounge Service Charge)

1. ANA, S.A. must issue the invoices for the services provided when the service is purchased or, if credit is granted (exclusive for the B2B Customer segment), at the beginning of the following month.
2. If invoices are issued on credit, the B2B Customer shall have a period of 15 (fifteen) days from the date of issue of the invoices to pay the invoice.
3. For B2B Customers who are awarded credit, ANA, S.A. may request a deposit from them, in the amount corresponding to 30% of expected or historical revenues, plus VAT, for one year of activity.
4. Without prejudice to the provisions of the previous paragraph, the value of the guarantee shall be revised and updated when the multiplication of the revenue for year n-1 by 30% plus VAT results in a variation of more than 15% or less than 25% compared to the value of the guarantee in force.
5. Late payment of any invoice by the B2B Customer shall be subject to late payment interest, under Article 45 of Decree-Law no. 254/2012, of 28 November, and entitles ANA, S.A. to suspend accreditation for access to the lounge, with seven (7) days' notice, if payment is not made within seven (7) days of ANA, S.A. being notified to that effect.
6. Invoices issued to customers are subject to VAT at the legal rate in force, under the terms of Article 6(8)(a) of the CIVA.

Article 11

(Civil Liability)

ANA, S.A. is not responsible for delays, flight cancellations or decisions by the airport authorities that have an impact on the Customer's experience.

Article 12
(Cancellation and Refund)

1. The B2C Customer may request the cancellation of the lounge service purchased online, in accordance with the terms and conditions established when the service was purchased.
2. In the situations provided for in the previous paragraph, and in the event of cancellation of the lounge service, a full refund or equivalent alternative shall be made available, provided that the B2C Customer presents a valid booking and has been unable to access the lounge for a reason attributable to ANA, S.A.
3. There shall be no refund of the charge paid by the B2C Customer in the event of the Passenger not turning up at the lounge.

Article 13
(Processing of Personal Data)

ANA, S.A. processes the personal data of B2B Customer Passengers and B2C Customers under the terms of the applicable legislation and in accordance with the privacy policy in force, available on its corporate website.

Article 14
(Publicising the Regulations)

These regulations are available in each of the lounges and are published on ANA, S.A.'s institutional website, so that Customers can be aware of them and consult them.

Article 15
(Amendments to the Regulations)

ANA, S.A. reserves the right to amend these regulations in accordance with the applicable legal provisions.

Article 16
(Entry into Force)

These regulations shall enter into force on the day following their publication.