

**GOVERNMENT OF THE REPUBLIC OF NORTH MACEDONIA**

**MINISTRY OF TRANSPORT AND COMMUNICATIONS**

**APPLICATION DOCUMENTATION**

**for granting financial support to domestic and foreign carriers for the promotion and development of the air traffic in the Republic of North Macedonia**

Skopje, 01.03.2023

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**INVITATION FOR SUBMISSION OF APPLICATIONS**

Dear all,

The Government of the Republic of North Macedonia, through the Ministry of Transport and Communications, with an address at Plostad Crvena skopska opstina Str. no. 4, 1000 Skopje, Republic of North Macedonia, contact phone: +389 (0)2 3145 592, e-mail: mtcfinancial.support@mtc.gov.mk, grants financial support to domestic and foreign air carriers for the promotion and development of the air traffic in the Republic of North Macedonia, for the period from 01.01.2023 to 31.12.2025.

To that aim, a financial support awarding procedure is underway in the form of an open call, in accordance with the Decree on the method, detailed criteria for awarding financial support to domestic and foreign air carriers and the required documentation to be submitted by the financial support beneficiaries ("Official Gazette of the Republic of North Macedonia" No. 249/22).

You may submit your financial support application no later than 31.03.2023 by 12:00 local time at the archives of the Ministry of Transport and Communications at the above address.

In addition to this invitation, please also find enclosed the application documentation containing all the information that will help you prepare the financial support application.

When preparing your financial support application, please make sure to use the content of the original forms that are an integral part of this application documentation. The opening of financial support applications will take place at the premises of the Ministry of Transport and Communications on 03.04.2023 at 12:00 local time, in the presence of authorized representatives of the financial support applicants.

We appreciate your cooperation.

Skopje,

Republic of North Macedonia

01.03.2023

|  |  |  |
| --- | --- | --- |
| **1. GENERAL INFORMATION** | | |
| 1.1 Definitions | Financial support provider  The provider of financial support is the Government of the Republic of North Macedonia.  Commission  The Commission is established by the Minister for Transport and Communications and is in charge of the preparation, organization and implementation of the financial support awarding procedure.  Financial support awarding Procedure  A procedure for granting financial support is a procedure carried out by one or more contracting authorities, the purpose or effect of which is the granting of financial support.  Open call  An open call is a procedure for granting financial support under which all air carriers may submit a financial support application.  Application documentation  The application documentation is a set of documents and information constituting the grounds for the development, submission and evaluation of the financial support applications.  Financial support agreement  A financial support agreement is a contract entered into by and between the financial support provider, as a First Contracting Party, and the financial support applicant, as a Second Contracting Party.  Air carriers  Air carriers are companies holding an operating license (OL) issued by an EU/ECAA Member State in accordance with the regulations of the European Union for issuing operating licenses to air carriers.  Financial support applicant  A financial support applicant is any air carrier that has submitted a financial support application.  Application  An application is a proposal of the financial support applicant, prepared in reliance on the application documentation that constitutes the grounds for granting financial support.  Evaluation of the request for financial support application  Evaluation of the request for financial support is an assessment of the submitted request in the procedure for granting financial support.  Acceptable financial support application  An acceptable financial support application is an application submitted within the established deadline and assessed as meeting in full all of the application documentation requirements and all of the criteria, conditions and possible requirements with regard to the applicants’ capacities.  Eligibility criteria  The financial support applicants’ eligibility criteria include:   * personal status, * capacity of carrying out a professional activity, * economic and financial status, and * technical or professional capacities. | |
| 1.2 Purpose of the financial support awarding procedure | The purpose of the financial support awarding procedure is to enable accelerated development of the civil aviation and more competitive and affordable pricing in the air traffic in the Republic of North Macedonia by establishing equal access, transparency in the financial support awarding procedure, as well as quality and efficiency performance of air traffic. | |
| 1.3 Subject of the financial support awarding procedure, place of implementation and rights and obligations arising from this procedure | Subject of the financial support awarding procedure  The subject of the procedure is the granting of financial support to domestic and foreign carriers for the promotion and development of the air traffic for the purpose of accelerated development of the civil aviation and more competitive and affordable pricing in the air traffic in the Republic of North Macedonia, for a period of three years, as from 01.01.2023 and until 12/31/2025.  Place of implementation  The place of implementation of the subject of the procedure is the Republic of North Macedonia.  Rights and obligations arising from the financial support awarding procedure  The financial support beneficiary should perform the following obligations:   1. Introduction of one or more destinations from the Skopje International Airport and/or the Ohrid St. Paul the Apostle Airport during the period of financial support to airports in the ECAA/EU. 2. Ensure uninterrupted operation of each new awarded destination introduced from the Skopje International Airport and the Ohrid St. Paul the Apostle Airport to the airports to ECAA/EU for the period for which the financial support is granted, at least twice a week in each of the IATA seasons, i.e. in line with the application submitted, according to a predetermined flight schedule, from its introduction until the end of the period for which the financial support is granted, in accordance with the Financial Support Agreement. 3. Each new destination subject to financial support launched during the financial support period, operated from the Skopje International Airport, should not have already been served by regular air transportation in the past two IATA seasons from/to the Skopje International Airport. 4. Each new destination subject to financial support launched during the financial support period, operated from the Ohrid St. Paul the Apostle Airport, should not have already been served by regular air transportation in the past two IATA seasons from/to the "St. Apostle Paul" - Ohrid airport. 5. The financial support beneficiary shall develop a promotion and marketing plan that may be subject to changes upon instructions of the financial support provider, and 6. The financial support beneficiary shall submit a Report on its operations to the Ministry of Transport and Communications every six months.   The Financial Support Provider shall:    1. Grant 7 euros in Denar equivalent at the middle exchange rate of the National Bank of the Republic of North Macedonia on the day of invoicing, per departing passenger, for passengers transported from the Skopje International Airport to the new destination. This amount may be reduced if it is higher than 50 percent of the amount of the lowest airport fees.  2. Grant 4.5 euros in Denar equivalent at the middle exchange rate of the National Bank of the Republic of North Macedonia on the day of invoicing, per departing passenger, for passengers transported from the Ohrid St. Paul the Apostle Airport to the new destination. This amount may be reduced if it is higher than 50 percent of the amount of the lowest airport fees. | |
| 1.4 Sources of funding assets | The funds required for granting financial support to domestic and foreign carriers are determined in the Programme for determining the funds required for awarding financial support to domestic and foreign carriers for the promotion and development of the air traffic in the Republic of North Macedonia for the period 2023-2025 ("Official Gazette of the Republic of North Macedonia" No. 249/22). | |
| 1.5 Legal framework | The legal framework for implementation of the financial support awarding procedure consists of:   * the Aviation Law ("Official Gazette of the Republic of Macedonia" No. 14/06, 24/07, 103/08, 67/10, 24/12, 80/12, 155/12, 42/14, 97/15, 152/ 15, 27/16, 31/16, 64/18 and "Official Gazette of the Republic of North Macedonia" No. 220/19), * the By-law on the method, detailed criteria for awarding financial support to domestic and foreign air carriers and the required documentation to be submitted by the beneficiaries of the financial support ("Official Gazette of the Republic of North Macedonia" No. 249/22). * the Program for determining the funds required for awarding financial support to domestic and foreign carriers for the promotion and development of the air traffic in the Republic of North Macedonia for the period 2023-2025 ("Official Gazette of the Republic of North Macedonia" No. 249/22). | |
| 1.6 Right to participation in the procedure | Right to participation  Any interested air carrier may submit an application for participation in this procedure. | |
| 1.7 Manner of communication | The entire official communication (requests, notices, etc.) between the Commission and the financial support applicants shall take place in a written and/or electronic form. | |
| 1.8 Application documentation (content and manner of obtaining) | Content of the application documentation  The application documentation consists of requirements, conditions, criteria and other necessary information, in order to provide the air carriers with complete, accurate and precise information about the implementation of the procedure and to facilitate the preparation of the financial support application.  Obtaining the application documentation  Interested air carriers may obtain the application documentation every working day from 10:00 a.m. to 3:00 p.m. local time, at the Ministry of Transport and Communications with an address at Ploshtad Crvena skopska opstina Str., no. 4, 1000 Skopje, Republic of North Macedonia, or delivered electronically or downloaded from the official site of the Ministry of Transport and Communications.  Contact telephone number: +389 (0)2 3145 592,  E-mail: mtcfinancial.support@mtc.gov.mk  Only air carriers that have obtained the application documentation shall have the right to submit a financial support application.  At the request of the air carriers, the application documentation shall be delivered as soon as possible via express mail, with the Commission assuming no responsibility for the loss or late delivery of the documents during delivery.  The costs of delivering the application documentation by express mail shall be fully borne by the air carriers. | |
| 1.9 Possible amendments and addenda to the application documentation | The Commission can amend and/or supplement the application documentation and extend the application submission deadline.  The Commission shall report on the changes and/or additions to the application documentation, as well as the extension of the application submission deadline, no later than five days before the submission deadline for the financial support application.  The Commission shall send the amendments and addenda to the application documentation by written and/or electronic means to the air carriers that have obtained the request documentation, free of charge. | |
| 1.10 Request for additional clarification related to the application documentation | Submission of clarification requests  The air carriers that have obtained the request documentation may request answers to additional questions and clarifications related to the application documentation by sending a request with specified questions, in a written and/or electronic format.  The request shall be submitted to the Commission, at the archives of the Contracting Authority, or by mail/e-mail, no later than five days before the financial support applications submission deadline.  Replying to clarification requests submitted  No later than three days before the application submission deadline, the Commission shall send responses to the questions or clarifications, in a written and/or electronic form and free of charge.  At the same time, the Commission shall deliver the responses to all air carriers, not identifying the air carrier that requested clarification. | |
| 1.11 Language | Language used in the preparation of the application documentation  The application documentation shall be prepared in Macedonian and English.  Language of correspondence with the air carriers  Correspondence with domestic and foreign airlines shall be conducted in Macedonian or in English, accompanied by a translation into Macedonian.  Language to be used in preparing the financial support application and other documentation  Domestic air carriers are to submit the financial support application, as well as the other accompanying documentation, in the Macedonian language.  Foreign air carriers shall submit the financial support application and the other accompanying documentation in Macedonian or in English with a mandatory translation into Macedonian, certified by an licensed translator.  The language of interpretation shall be Macedonian. | |
| **2. SUBMISSION OF APPLICATIONS** | | |
| 2.1 Application | Filling in Form no.1 – request form  The air carrier shall submit its application for participation in the procedure by neatly and legibly filling out the financial support application form, which is an integral part of the application documentation.  Limited participation  An air carrier may submit only one financial support application. Participation of the same airline with more than one financial support application shall result in the rejection of all applications in which such an air carrier participates.  Form of submission of the application  Financial support applications must be submitted in writing, written in ink or other non-erasable graphic technique, in one original copy, in a sealed envelope addressed to the Contracting Authority, with an indication of the open procedure call it refers to.  Each page of the application must be signed and certified by the responsible person of the air carrier or a person authorized by him (the written authorization shall be submitted along within the application).  Air carriers shall enclose their applications with all the accompanying documentation in three sealed inner envelopes, with the full name and address of the air carrier stated on them. The first envelope is to be labeled "GENERAL DOCUMENTATION" and the documents of items 3.2 and 3.3 (Forms No. 1, 2, 3, 7, 8, 9 and 10) are to be enclosed to it.  The second envelope is to be labeled "FINANCIAL DOCUMENTATION" and the documents of item 3.4 (Form no. 5 and 5.1) are to be attached to it. The third envelope should be labeled "TECHNICAL DOCUMENTATION" and the documents of item 3.5 (Forms no. 4, 6 and 6.1) should be attached to it. Thus sealed, the inner envelopes are then enclosed in an outer envelope, labeled:  **„DO NOT OPEN“**  **Open call for awarding of financial support**  **Ministry of Transport and Communications**  **Plostad Crvena Skopska Municipality Str. no. 4, 1000 Skopje,**  **Republic of North Macedonia** | |
| 2.2 Contents of the application | 1. Application (Form no. 1 – Application Form and Form no. 2 – General Information),  2. Evidence proving the applicant’s personal status (Form no. 3 – Personal Status Establishment Form),  3. Evidence of the applicant’s economic and financial status (Form no. 5 and 5.1– Economic and Financial Status Form),  5. Evidence of the applicant’s technical or professional capacities Form no. 6 and 6.1 – Technical or Professional Capacity Form),  6. Statement of acceptance of the conditions defined in the application documentation (Form no. 7),  7. Statement of existence/non-existence of conflicts of interests (Form no. 8),  8. Notarized statement (Form no. 9), and  9. Draft Financial Support Agreement (Form no.10). | |
| 2.3 Operational plan | 1. An operational plan containing: a new destination, period of the financial support applied for, date from which the air carrier will start operating the new destination, number of weekly flights, number of departing and arriving passengers planned, number of seats offered, financial support amount by years, which should be in accordance and will constitute an integral part of the Financial Support Agreement,  2. Other additional information and data that will demonstrate the applicant's intention to introduce new destinations and increase the number of passengers, and  3. A promotion and marketing plan. | |
| 2.4 Application submission deadline, time and place | Application submission deadline and time  The deadline for submission of financial support applications is 31.03.2023 by 12:00 am local time.  The Commission may extend the deadline specified in this item if it deems that additional time is required for the changes and additions to the application documentation to be implemented.  The application submission deadline may be extended no later than 5 (five) days before the deadline for submission of financial support applications, provided that the Commission promptly inform all airlines that have obtained the application documentation.  Manner and place of submitting applications  Applications are to be submitted by post or to the archive of the Ministry of Transport and Communications, located at Ploshtad Crvena Skopska opstina Str. no. 4, 1000 Skopje, Republic of North Macedonia.  Timely submitted applications  Applications submitted by mail or to the archives of the Contracting Authority no later than 31.03.2023 by 12:00 local time shall be considered timely received.  Applications received after the submission deadline shall not be taken into account and shall be returned to the air carrier unopened.  Application submission risk  The applicant shall determine the method of submission of the application for participation independently and shall assume the risk of possible loss or untimely submission of the application.    Amendment, replacement or withdrawal of the application  The applicant may amend, replace or withdraw the application it has already submitted, provided that it notifies the Commission in writing of the amendment, replacement or withdrawal no later than the deadline set for submission of financial support applications.  The notice of amendment, replacement or withdrawal of applications already submitted must be delivered in the manner provided for in this item, with the indication "AMENDMENT", "REPLACEMENT" or "WITHDRAWAL", depending on the intention.  Applications may not be amended following the expiry of the financial support applications submission deadline. | |
| Supplementing and clarifying submitted applications | Within 15 days following the day of the public opening of the Applications, the Evaluation Commission may send a request to the applicants to supplement or clarify the financial support applications already submitted. | |
| **3. CAPACITY ESTABLISHMENT CRITERIA** | | |
| 3.1 Criteria against which the applications shall be evaluated | Financial support applicants must prove their ability to participate in the procedure, which shall be based on the fulfillment of certain criteria regarding: the personal status and capacity to perform a professional activity, the economic and financial status, and the technical or professional capacity.  The Commission shall not proceed with the evaluation of financial support applications in which the applicant has not provided evidence of meeting the capacity establishment criteria for, specified in the Open Call and the application documentation. | |
| 3.2 Personal status (establishment criteria and evidence) | Personal standing establishment criteria   * The applicant may not have been effectively sentenced for corruption, fraud, money laundering and other proceeds of crime; * The applicant may not be undergoing bankruptcy or liquidation proceedings; * The applicant shall have no unpaid taxes, contributions, or other public duties according to the regulations of the country of its incorporation; * The applicant may not have been effectively sentenced for a criminal or a misdemeanor offense by a ban on performing a profession, activity or duty; * The applicant is obliged to provide accurate data and submit the data requested by the Commission.   Evidence of personal status  To prove their personal status, applicants must submit the following documents along with the financial support application, which should not be older than six months and shall be submitted in original or a copy certified by a competent authority in the country of the applicant’s registration or registered offices, as follows:   1. A statement of confirmation issued by a competent authority in the country of the applicant’s registration or registered offices, confirming that the applicant has not been sentenced for corruption, fraud or money laundering in the last five years; 2. A statement of confirmation issued by a competent authority in the country of the applicant’s registration or registered offices, confirming that no bankruptcy proceeding has been initiated; 3. A statement of confirmation issued by a competent authority in the country of the applicant’s registration or registered offices, confirming that no liquidation procedure has been initiated; 4. A statement of confirmation issued by a competent authority in the country of the applicant’s registration or registered offices, confirming that all taxes, contributions and other public duties have been paid; 5. A statement of confirmation issued by a competent authority in the country of the applicant’s registration or registered offices, confirming that the applicant has not been effectively sentenced for a criminal or a misdemeanor offense by a ban on performing a profession, activity or duty.   If the country of the applicant’s registration or registered offices does not issue the documents of sub-items 1, 2, 3, 4 and 5 of this item, the applicant is obliged to submit a notarized statement, stating that, in the last 5 (five) years: it has not been sentenced for corruption, fraud or money laundering; no bankruptcy proceedings have been initiated against it; no liquidation procedure has been initiated against it; it has paid all taxes, contributions and other duties to the state; and it has not been effectively sentenced for a criminal or a misdemeanor offense by a ban on performing a profession, activity or duty.  The Commission shall disqualify applicants who fail to submit any of the documents of sub-items 1 – 5 or the notarized statement of this item. | |
| 3.3 Capacity to carry out a professional activity | The applicant must be registered as a legal entity for performing the activity related to the subject of financial support or belong to an appropriate professional association in accordance with the regulations of the country of its registration or head offices.  To prove its ability to carry out a professional activity, the applicant must accompany the application by a document of registered activity issued by a competent authority in the country of its registration or head offices. | |
| 3.4 Economic and financial status | A condition for determining the economic and financial standing of the financial support applicants is that they have generated profits of at least 25,000,000 (twenty-five million) euros in 2019.  To prove their economic and financial standing, the applicants must submit the following evidence along with the applications:   * Income statement for the last three financial years (2019, 2020 and 2021). | |
| 3.5 Technical and professional capacity | A condition for determining the applicants’ Technical and professional capacity is that they have an operating license (OL) issued by an EU/ECAA Member State in accordance with the regulations of the European Union for issuing operating licenses to air carriers, as well as to have transported, i.e. carried at least 10 million passengers in 2019.  To prove their technical or professional capacity, applicants shall submit the following evidence in their application:     * applicant’s profile, organization and staff, * evidence of possessing an Operating License (OL) issued by an EU/ECAA Member Country in accordance with the regulations of the European Union, and * a document (excerpt from the annual report) for scheduled air transportation of at least 10,000,000 (ten million) carried passengers realized in 2019. | |
| **4. OPENING AND EVALUATION OF APPLICATIONS** | | |
| 4.1 Public opening of applications | The opening of financial support applications shall take place on 03.04. 2023 at 12:00 local time, at the premises of the Ministry of Transport and Communications. | |
| 4.2 Evaluation | The applications shall be evaluated in accordance with the criteria laid down in item 3 of the application documentation.  Only applications meeting the criteria of items 3.2, 3.3 and 3.4 shall be subject to the technical evaluation of item 3.5. | |
| 4.3 Financial support granting criteria | The financial support shall be awarded to the applicants fully meeting the criteria of items 3.2, 3.3, 3.4 and 3.5 until fully utilization of the finds allotted under the Program for determining the funds required for awarding financial support to domestic and foreign carriers for the promotion and development of the air traffic in the Republic of North Macedonia for the period 2023-2025 ("Official Gazette of the Republic of North Macedonia" No. 249/22).  The financial support shall be awarded in accordance with the new destinations ranking criteria, in the following sequence:  - period of operation of the destination;  - number of weekly flights;  - attractiveness of the airport, that is, the airport with the higher number of passengers served in 2019 according to the ACI (Airport Council International) Report, in the event of more than one application submitted for the same destination; and  - number of seats offered for sale.  In case of submission of applications that are equal according to the destination ranking criteria, the principle of priority in submission of a financial support application shall apply.  After ranking the new destinations, the Commission shall calculate the funds required for each new destination according to the estimated costs which the air carrier have specified in the Operational Plan submitted along with the Application, determine a ranking list of new destinations, and propose selection of the financial support beneficiaries. | |
| 4.4 Evaluation report; decision | Applications received under the published open call for financial support shall be evaluated exclusively in accordance with the conditions and criteria specified in the open call. The Commission shall check the validity and completeness of the documentation submitted by the applicants. Following the evaluation, the Commission shall rank the new destinations and shall propose the beneficiaries to be selected and to enter into financial support agreements with.  After the procedure, the Commission shall submit a Report of the evaluation of the applications for financial support for new destinations to the Minister of Transport and Communications, along with a proposal regarding the beneficiaries to be selected and to enter into financial support agreements with or an Evaluation Report with a proposal to cancel the procedure.  Based on the report, the Minister of Transport and Communications shall adopt a decision on the selection of destinations and beneficiaries or a decision canceling the procedure, based on the proposal of the Commission. The decision shall be published in the "Official Gazette of the Republic of North Macedonia" and the Commission shall deliver it to all applicants within a period of no longer than three days following the day of its publication in the "Official Gazette of the Republic of North Macedonia". | |
| **5. PAYMENT AMOUNT, MANNER, CONDITIONS AND DEADLINE** | | |
| 5.1 Payment amount, manner, conditions and deadline | For each new destination launched from the Skopje International Airport in the period for which the financial support is granted, the Contracting Authority undertakes to pay the beneficiary financial support in the amount of 7 euros in Denar equivalent, per departing passenger, throughout the duration of the financial support agreement.  For each new destination launched from the Ohrid St. Paul the Apostle Airport in the period for which the financial support is granted, the Contracting Authority undertakes to pay the beneficiary financial support in the amount of 4.5 euros in Denar equivalent, per departing passenger, throughout the duration of the financial support agreement.  The financial support amount may be reduced if it is higher than 50 percent of the amount of the lowest airport fees according to the Information on Lowest Airport Fees.  The monthly funds shall be paid out within 30 days following the request submitted to the Ministry of Transport and Communications, by the financial support beneficiary. | |
| **6. PERIOD OF VALIDITY OF THE APPLICATION** | | |
| * 1. Period of validity of the application | | The financial support applications shall be valid for 30 days as from the day of public opening of the applications. |
| **7. CORRUPTIVE OR FRAUDULENT ACTIVITIES** | | |
| 7.1 Corruptive or fraudulent activities | In accordance with the legislation of the Republic of North Macedonia, applicants are obliged to respect the highest ethical standards during the entire procedure. The Commission shall reject any application submitted by an applicant found to be involved in corruptive or fraudulent activities. | |
| **8. RIGHT TO OBJECTION** | | |
| 8.1 Applicant’ right to objection | In the course of the procedure, applicants shall have the right to submit an objection to the Commission.  In case the Commission finds that the objection submitted is justified, it can accept it and modify its position.  In case the Commission rejects the objection, the applicant submitting the objection shall have the right to initiate an administrative dispute after the adoption of the decision on selection of the most favorable applicant or on annulment of the procedure.  The administrative dispute shall not delay the conclusion of the financial support agreement. | |
| **9. FINANCIAL SUPPORT AGREEMENT CONCLUSION DEADLINE AND DURATION** | | |
| 9.1 Financial Support Agreement conclusion deadline | The Contracting Authority and the applicants selected for granting the financial support shall conclude the Financial Support Agreement within 7 (seven) days following the adoption of the decision on the selection of the most favorable applicant. | |
| 9.2 Financial Support Agreement duration | The Financial Support Agreement shall be concluded for the period specified in the operational plan, within the period of granting financial support, from 01.01.2023 to 31.12.2025. | |

**FORM NO.1**

**APPLICATION**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(full name of applicant)*

Date: \_\_\_.\_\_\_.2023

To: Ministry of Transport and Communications

Dear all,

I.1. Having reviewed and fully understood all the information about the Open Call under the financial support awarding procedure, we, the undersigned \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, hereby apply to participate in the financial support awarding procedure as a financial support applicant.

I.2. Please also find enclosed to the Application evidence confirming the capacity establishment criteria, pursuant to items 3.2, 3.3, 3.4, and 3.5 of the application documentation.

I.3. We hereby authorize your authorized representatives to undertake all examinations or investigations to verify the representations, documents and information submitted in connection with this application.

In addition, this Application will also have the effect of an authorization issued by us to any independent or authorized representative of any institution named in the accompanying information to provide such information as is deemed necessary and as requested by you to verify the information provided herein.

I.4. We are at your disposal with regard to any additional information.

I.5. This Application has been drafted based on our full agreement that:

(a) the data and information submitted in the applications shall be subject to verification by you;

(b) you reserve the right to reject or accept any application, annul the entire procedure and, in accordance with the Decree on the method, detailed criteria for granting financial support to domestic and foreign air carriers and the required documentation to be submitted by financial support beneficiaries ("Official Gazette of the Republic of North Macedonia" no. 249/22), reject any applicant;

(c) you shall not be liable for any such actions.

I.6. The undersigned hereby confirms that the representations and information provided in the duly completed application are complete, true and correct in all respects.

II.1. The Application is valid for the period specified in the application documentation. We agree in full with the payment method specified therein.

Name/Authorized person

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

For and on behalf of the applicant

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**FORM NO. 2**

**GENERAL INFORMATION**

1. General information

|  |  |
| --- | --- |
| 1. | Name of applicant |
| 2. | Registered offices address |
| 3. | Phone number |
| 4. | E-mail |
| 5. | Place of incorporation/registration |
| 6. | Registered activities of the company |
| 7. | Number of full-time employees |
| 8. | Year of incorporation/registration |

**FORM NO. 3**

**ESTABLISHMENT OF PERSONAL STANDING**

Please find enclosed to this form the evidence required for establishing the personal status:

1. A statement of confirmation issued by a competent authority in the country of the applicant’s registration or registered offices, confirming that the applicant has not been sentenced for corruption, fraud or money laundering;
2. A statement of confirmation issued by a competent authority in the country of the applicant’s registration or registered offices, confirming that no bankruptcy proceeding has been initiated;
3. A statement of confirmation issued by a competent authority in the country of the applicant’s registration or registered offices, confirming that no liquidation procedure has been initiated;
4. A statement of confirmation issued by a competent authority in the country of the applicant’s registration or registered offices, confirming that all taxes, contributions and other public duties have been paid;
5. A statement of confirmation issued by a competent authority in the country of the applicant’s registration or registered offices, confirming that the applicant has not been effectively sentenced for a criminal or a misdemeanor offense by a ban on performing a profession, activity or duty.

Name/Authorized person

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |
| --- |
| Note: If the country of the applicant’s registration or registered offices does not issue the documents of sub-items 1, 2, 3, 4 and 5 of this item, the applicant is obliged to submit a notarized statement, stating that, in the last five years: it has not been sentenced for corruption, fraud or money laundering; no bankruptcy proceedings have been initiated against it; no liquidation procedure has been initiated against it; it has paid all taxes, contributions and other duties to the state; and that it has not been effectively sentenced for a criminal or a misdemeanor offense by a ban on performing a profession, activity or duty. |

**FORM NO. 4**

**CAPACITY TO PERFORM A PROFESSIONAL ACTIVITY**

Please find enclosed the following evidence of our capacity to perform a professional activity:

1. A document for registered activity.

Name/Authorized person

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**FORM NO. 5**

**ECONOMIC AND FINANCIAL STATUS**

Please find enclosed the following evidence of our economic and financial standing:

1. Income Statements for the last three financial years (2019, 2020 and 2021)

Name/Authorized person

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**FORM NO. 5.1**

STATEMENT

for generated profit of at least 25,000,000 EUR in 2019

We, the undersigned, hereby declare that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ has generated profit of at least 25,000,000 EUR in 2019.

|  |  |
| --- | --- |
| Profit generated by the applicant (in EUR) | |
| 2019 |  |

Name/Authorized person

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**FORM NO. 6**

**TECHNICAL AND PROFESSIONAL CAPACITY**

Please find enclosed to this form evidence of our technical and professional capacity:

1. Applicant’s profile, organization and staff,
2. Evidence of possessing an Operating License (OL) issued by an EU/ECAA Member Country in accordance with the regulations of the European Union on the issuance of operating licenses to air carriers;
3. A document (excerpt from the annual report) for scheduled air transportation of at least 10,000,000 (ten million) carried passengers realized in 2019; and
4. An Operational Plan.

|  |  |
| --- | --- |
| Number of passengers carried | |
| 2019 |  |

Name/Authorized person

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**FORM NO. 6.1**

**OPERATIONAL PLAN**

Please find enclosed to this form our Operational Plan:

1. List of destinations to be launched from the Skopje International Airport:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Country | City | Airport |
| 1 |  |  |  |
| 2 |  |  |  |
| 3 |  |  |  |
| 4 |  |  |  |
| 5 |  |  |  |
| 6 |  |  |  |
| 7 |  |  |  |

1. List of destinations to be launched from the Ohrid St. Paul the Apostle Airport:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Country | City | Airport |
| 1 |  |  |  |
| 2 |  |  |  |
| 3 |  |  |  |
| 4 |  |  |  |
| 5 |  |  |  |
| 6 |  |  |  |
| 7 |  |  |  |

1. Date of commencement of operating the new destinations to be launched from the Skopje International Airport and the Ohrid St. Paul the Apostle Airport and number of fights on a weekly basis:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Destination | Commencement date | Number of weekly flights |
| 1 |  |  |  |
| 2 |  |  |  |
| 3 |  |  |  |
| 4 |  |  |  |
| 5 |  |  |  |
| 6 |  |  |  |
| 7 |  |  |  |

1. Number of arriving and departing passengers carried by the airline for the new destinations to/from the Skopje International Airport and the Ohrid St. Paul the Apostle Airport

|  |  |  |  |
| --- | --- | --- | --- |
|  | Destination | Number of arriving passengers | Number of departing passengers |
| 1 |  |  |  |
| 2 |  |  |  |
| 3 |  |  |  |
| 4 |  |  |  |
| 5 |  |  |  |
| 6 |  |  |  |
| 7 |  |  |  |

1. Number of seats offered on an aircraft used by the airline to transport passengers from the new destinations to/from the Skopje International Airport and the Ohrid St. Paul the Apostle Airport

|  |  |  |  |
| --- | --- | --- | --- |
|  | Destination | Number of seats offered | Number of departing passengers |
| 1 |  |  |  |
| 2 |  |  |  |
| 3 |  |  |  |
| 4 |  |  |  |
| 5 |  |  |  |
| 6 |  |  |  |
| 7 |  |  |  |

1. Amount of the financial support for the airline for the new destinations to/from the Skopje International Airport and the Ohrid St. Paul the Apostle Airport

|  |  |  |  |
| --- | --- | --- | --- |
|  | Destination | Calendar year | Financial support amount |
| 1 |  | 2023 |  |
| 2024 |  |
| 2025 |  |
| 2 |  | 2023 |  |
| 2024 |  |
| 2025 |  |
| 3 |  | 2023 |  |
| 2024 |  |
| 2025 |  |

1. Other additional information and data demonstrating the applicant’s intention to launch new destinations and increase the number of passengers
2. Promotion and Marketing Plan

**FORM NO. 7**

###### STATEMENT

of acceptance of the conditions defined in the application documentation

We hereby declare that, by submitting the application, we fully accept the conditions of the Open Call for submission of applications for financial support for the introduction of a new destination/s from the airports in the Republic of North Macedonia to the airports in the ECAA/EU, published in the "Official Gazette" of the Republic of North Macedonia" number 45/23), based on which of which we submit our application.

We agree with the said conditions being fully integrated in the Financial Support Agreement.

We agree that the Contacting Authority may annul the financial support awarding procedure.

Name/Authorized person

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

For and on behalf of the Applicant

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

FORM NO. 8

STATEMENT

on the existence/non-existence of conflicts of interests

We, the undersigned, hereby declare that we are not aware of any conflict or potential conflict of interest arising from a previous or existing contract or other relationship that may materially affect our ability to meet our obligations under the Financial Support Agreement.

We hereby state that the following transactions may be in conflict with the Financial Support Agreement.

|  |  |  |
| --- | --- | --- |
| Project name | Commencement date | Conflict description |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

Name/Authorized person

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

For and on behalf of the Applicant

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

FORM NO. 9

WE HEREBY DECLARE

That we will continue to operate the destination/s:

1. \_\_\_\_\_\_\_\_\_\_\_\_\_,
2. \_\_\_\_\_\_\_\_\_\_\_\_\_

which is subject of financial support after the end of the financial support period, for a period at least equal to the period for which we have received financial support, or otherwise, we agree to return to the provider of financial support all the funds which were paid for that particular destination in the period during which financial support was granted.

|  |  |  |
| --- | --- | --- |
| Destination | Date of commencement with operations following the end of the Financial Support Agreement (the date which follows the completion date stated in the Agreement) | End date of operation |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

Name/Authorized person

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

For and on behalf of the Applicant

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**FORM NO. 10**

# DRAFT FINANCIAL SUPPORT AGREEMENT

Entered into on this day of \_\_\_.\_\_\_.2023 by and between:

## Financial Support Provider:

## Government of the Republic of North Macedonia,

## through the Ministry of Transport and Communications

## Address: Ploshtad Crvena skopska opstina St. no. 4,

## 1000 Skopje, Republic of North Macedonia,

## (hereinafter: "Provider"), as a First Contracting Party, and

## 

## Financial Support Beneficiary:

(hereinafter: “Beneficiary”), as a Second Contracting Party.

**Article 1**

**Subject**

Subject of this Agreement is the granting of financial support to the Beneficiary.

The financial support application shall constitute an integral part of this Agreement.

**Article 2**

**Objective**

The objective of this Agreement is the development of the civil aviation in the Republic of North Macedonia through more competitive and affordable pricing in the air traffic.

**Article 3**

**Duration**

The financial support shall be granted for the period starting from the day of the commencement of operation of the destination/destinations and until December 31, 2025.

**Article 4**

**Beneficiary’s Obligations**

The Beneficiary shall:

1. Commence the operation with the new destinations no later than by: **insert the date specified in the Operational Plan** as the date of commencement with the operation of the: **insert the destinations specified in the Operational Plan** from the Skopje International Airport and serve the said destinations throughout the period for which the financial support is granted.
2. Commence the operation with the new destinations no later than by: **insert the date specified in the Operational Plan** as the date of commencement with the operation of the: **insert the destinations specified in the Operational Plan** from the Ohrid St. Paul the Apostle Airport and serve the said destinations throughout the period for which the financial support is granted,
3. Uninterruptedly serve the destinations launched from the Skopje International Airport and the Ohrid "St. Paul the Apostle" Airport for the period for which the financial support is granted, at least **insert the number of weekly flights** as indicated in the Operational Plan in each of the IATA seasons in a scheduled flight order, from its launch until the end of the period for which the financial support is granted.
4. The destination launched for the period for which the financial support is granted, and which is to be operated from the Skopje International Airport should not have already been served by scheduled air transport in the past two IATA seasons from/to the Skopje International Airport.
5. The destination launched for the period for which the financial support is granted, and which is to be operated from the Ohrid St. Paul the Apostle Airport should not have already been served by scheduled air transport in the past two IATA seasons from/to the Ohrid St. Paul the Apostle Airport.
6. Develop a Promotion and Marketing Plan that may be subject to changes upon instructions of the Financial Support Provider, and
7. Submit a Report on its operations to the Ministry of Transport and Communications every six months.

**Article 5**

**Permit to Fly**

The Beneficiary is to provide permits to fly for the destinations of Article 4, items 2 and 3 hereof.

**Article 6**

**Provider’s Obligations**

The Provider shall:

1. Provide financial support of 7 euros in Denar equivalent, per departing passenger, for the destinations launched from the Skopje International Airport, as from the Commencement Date of this Agreement.
2. Provide financial support of 4.5 euros in Denar equivalent, per departing passenger, for the destinations launched from the Ohrid St. Paul the Apostle Airport, as from the Commencement Date of this Agreement.

3. The financial support amount of paragraphs 1 and 2 of this Article may be reduced if it is higher than 50 percent of the amount of the lowest airport fees.

**Article 7**

**Financial Support**

The financial support shall be granted in accordance with the amount specified in the Operational Plan, which may not be higher than the funds determined in the Program for determining the funds required to grant financial support to domestic and foreign air carriers for the promotion and development of the air traffic in the Republic of North Macedonia for the period from 2023-2025.

The financial support may not exceed the amount of funds determined in the Operational Plan of paragraph 1 of this Article.

**Article 8**

**Dynamics and Manner of Payment**

The financial support of Article 6, items 1 and 2 of this Agreement shall be paid on a monthly basis, within 30 days of the receipt of the request submitted to the Ministry of Transport and Communications by the Financial Support Beneficiary.

The payment request of paragraph 1 of this Article shall contain detailed data on passengers departing by individual destination, which may be subject to inspection by the Provider.

**Article 9**

**No Conflicting Activities**

The Beneficiary shall not engage directly or indirectly in any business or professional activities that may be in conflict with the rights and obligations set forth in this Agreement.

**Article 10**

**Confidentiality**

Except with prior written notice from the Provider, the Beneficiary shall at no time contact any natural or legal person with regard to classified information obtained during the implementation of this Agreement and shall not publish the reports, recommendations and/or any other type of documents in connection with or as a result of the implementation of this Agreement.

**Article 11**

**Governing Law**

The provisions of the Law on Obligations and other applicable legislation in the Republic of North Macedonia shall apply accordingly to this Agreement, unless otherwise stipulated by the provisions herein.

**Article 12**

**Dispute Settlement**

The Parties shall make every effort to settle amicably all disputes arising out of or in connection with this Agreement or its interpretation.

All disputes arising from and in connection with this Agreement that cannot be resolved amicably, including disputes pertainig to issues related to its effective creation, violation or termination, as well as legal effects arising therefrom, shall finally be resolved through arbitration in accordance with the Law on International Commercial Arbitration of the Republic of North Macedonia.

The number of arbitrators shall be three.

The procedure shall be conducted in the Macedonian language.

The place of arbitration shall be in Skopje, Republic of North Macedonia.

**Article 13**

**Unilateral Termination**

The Provider may unilaterally terminate this Agreement in the event that the Beneficiary:

* fails to meet the conditions of Article 4 of this Agreement. and
* fails to provide permits to fly in accordance with article 5 of this Agreement.

**Article 14**

**Supervision**

Acting through the Ministry of Transport and Communications, the Provider shall perform constant and regular supervision of the fulfillment of the rights and obligations of this contract.

**Article 15**

**Language**

This Agreement is concluded in the Macedonian language, with an English translation.

In case of any conflicting interpretation between the Contracting Parties, the Macedonian version of the Agreement shall prevail.

**Article 16**

**Counterparts**

This Agreement is concluded in four original copies, two of which for each of the contracting parties.

**Article 17**

**Entry into Force**

This Agreement shall enter into force on the day following the day of its conclusion and shall apply throughout the period specified in Article 3 of this Agreement.

Contractual Parties

Financial Support Beneficiary Financial Support Provider

Government of the Republic of North Macedonia

Ministry of Transportation and Communications