

Operation Icaro: still no response to the request presented by AOPA Italia to the Ministry of Transport, ENAC and competent institutions

17/May/2022 | AirNews



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ALL WHILE THE WAR ON NOVEMBERS CONTINUES AND ALSO EXPANDS TO EUROPEAN AIRCRAFTS CARRYING PASSENGERS TO ITALY. TOURISM THANKS YOU, CITIZENS HONEST PILOTS AS WELL. READY TO PROMOTE A CLASS ACTION

First of all, to get a representative picture of the reality of the facts, I invite you to patiently read the texts of these articles, which have appeared online over time on the websites of very famous national newspapers... (for example this one [link](#) or [this](#)): these are some of the thousand shameful, almost identical articles published *urbi et orbi* to the detriment of our public image:

- ***“Asti, 26 May 2021 –Maxi tax evasion and seizure of 17 planes and helicopters throughout Italy, carried out by the Financial Police of Asti. The seized goods have a total value of 10 million euros for the crime of customs smuggling with VAT evasion for a total amount of more than 2 million. The investigations by the GdF have found the evasion of significant customs duties by Italian citizens who, through interposed Trusts under US law in which the aircraft were delivered, were found to be the beneficiaries and actual users of the planes and helicopters. The fraudulent practice made possible the stable use of aircraft in the national airspace well beyond the maximum period of six months envisaged for the temporary import regime for aircraft registered abroad. All for personal and commercial purposes, including film shooting also in television dramas and international films. The illicit mechanism, designed by two experts in the aeronautical sector and used by 18 Italian citizens, < a i=12>allowed the evasion of VAT for a total amount of more than 2 million euros and the registration of numerous aircraft in the Italian license plate register. The operation was conducted in the provinces of Asti, Alessandria, Genoa, Milan, Cremona, Varese, Bolzano, Venice, Padua, Bologna, Ravenna, Pisa, Perugia, Terni, Viterbo, Rome,***

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Well, first of all the article is not signed (!) secondly you will immediately notice how the good author/journalist has deliberately and incorrectly avoided using a form of doubt regarding what he is communicating, giving a very specific meaning < /span> A very serious slander in full force, especially if the innocence of the suspects were later proven. **“the 18 citizens are tax evaders”**. unappealable to what he sentences between the lines: **of sentence**

On 17 June 2021 timidly, as what generates headlines is certainly more newsworthy, this news appears in some newspapers:

- **“The 17 aircraft** that ended up in the crosshairs last May 26 in various areas of Italy with the “Icaro” operation of the Guardia di Finanza of Asti have been released. This was decided by the Court of Review. **This was announced by the maintenance company of Cirrus aircraft at the Ozzano airfield**(Bologna), in a press release. The owners of the seized ultralights and helicopters showed the documents, with which, we read in the press note, **“it was evident that the aircraft had been regularly cleared through customs which are regularly reported in tax returns where the luxury tax is also paid”**.

Leaving aside the chronic ignorance of most journalists who in a very bizarre way label as "*ultralight*" any aircraft that does not weigh as much as an Airbus 380, in fact the Bolognese maintenance company Cirrus, with its press release, correctly tries to clarify a fundamental issue: the aircraft are registered "N" certainly not to fiscally evade or evade the payment of VAT, taxes and customs duties , but due to the free "technical" choice of their owners, who deem it more appropriate to make their aircraft comply with the American FAA rules rather than submit to the EASA ones applied in our country by ENAC. The registration of the aircraft to a "Trust" is then a necessary condition required by US laws, so that a non-US citizen can legally dispose of an aircraft registered abroad in the "November" registers, i.e. belonging to the

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US aeronautical world, and therefore subject to the rules dictated by the Federal Aviation Administration.

One year later, exactly on April 22, 2022, the war on November once again records a round of kidnappings... and the headlines promptly return accompanied by images of private jets with leather seats human skin "*oligarch style*".

LA VICENDA

I 17 aerei privati di contrabbando sequestrati dalla finanza

L'operazione è stata avviata venerdì mattina dal Comando provinciale di Asti, e ha interessato molte province: Genova, Milano, Bolzano, Cremona, Padova, Ravenna, Massa Carrara, Reggio Emilia, Terni, Perugia e Ragusa



In fact, in January 2022, after the Court of Cassation accepted the appeal of the Asti Public Prosecutor's Office (see attachments), recognizing the appearance (*fumus*) of the crime of smuggling, the matter is sent back to the Asti review court, which rules a few days ago, confirming the preventive seizure decree issued in 2021.

The GdF then returns to seize the vehicles involved in the alleged smuggling crime, launching an operation that starts on Friday morning from the Provincial Command of Asti, to involve many

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provinces, as well as involving ENAC which issues a truly chilling statement with attachment to airports and airfield managers list of aircraft to track down... a real witch hunt atmosphere.

In the meantime, what is AOPA Italia doing? With the support of a team of tax experts and lawyers, as we have already written, on 14 October 2021 it sent to ENAC, to the MIMS Ministry of Sustainable Infrastructure and Mobility, and consequently to all interested state bodies, a useful question to clarify (net of the various sentences) on the November issue.

Result? Obviously we are still waiting for a response, despite our reminders.

Our opinion and our analytical position, while fully respecting the work of the Judges, is that the sentence is very severe, and at the same time incorrect in its conclusions, precisely because it does not take into account the European aeronautical legislation (Regulation) , which as we well know is binding and repeals the internal rules contained in the navigation code that are in conflict, according to which it is possible to maintain non-EU brands on non-complex aircraft not used for commercial purposes. Proof of this is also contained in the European legislation on licensing, recently published on our AOPA website, for which in addition to the FAA license, the EASA license will be required for pilots established in Europe who fly N aircraft in the Union territory.

The Customs Agency itself, in response to the specific question posed by other colleagues, explicitly admitted that our N aircraft are "union goods", contrary to what the ruling states.

To a second specific request from our experts, regarding the confirmation that the Art. 36 of the TULD should be considered implicitly repealed following the entry into force of the European Union Customs Code (it too being a European regulation is directly applied in the member states without the need for ratification and

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repeals all internal rules in conflict with the EU ones), the Customs Agency itself reiterated the pre-eminence of aeronautical

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legislation over customs, suggesting asking a specific question to ENAC/MIMS to clarify, which we did with our "Confirmatory Request".

But the sore points regarding the attacks on General Aviation and consequently also damaging aviation tourism activities do not seem to worry the institutions that much... the November planes will fly to other nearby nations where they will be welcomed with open arms, exactly like when our boats taxed by Monti, they abandoned their national ports to go to France, Spain, Croatia, Slovenia and other foreign destinations, bringing prosperity, paying for maintenance, purchasing fuel, lubricants, insurance policies and a thousand other services, fueling an economic sector with a decidedly high added value. All to the detriment of the "Italian system". We would also like to point out that there are entrepreneurs and maintenance companies and training organizations that have invested money and resources to become certified on FAA aircraft (November), and now they will lose their customers. But when and if there is a sentence that definitively clarifies the regular position of those who are today accused of evading smuggling and so on, who will pay the very high cost of damages???

But it doesn't matter, what's the concern? The great Totò taught us, there is always someone who pays in Italy... a real shame that in this case that someone is us, honest taxpayers and citizens, punished because we are guilty of the most shameful crime of the post-war period: we love flying.

AOPA Italia 1961-2022 for over sixty years alongside those who fly

Below are the links to the documentation relating to the matter:

**GdF November question**

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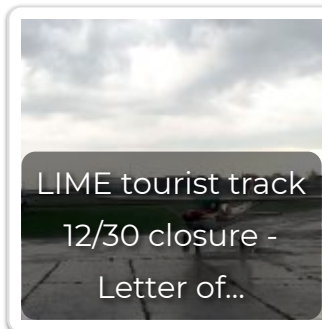
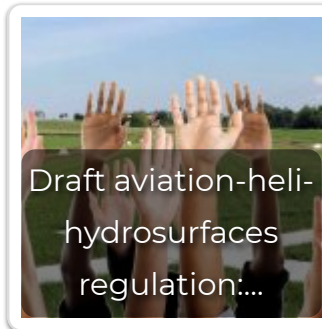
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