

Rome, 18 April 2012

## **Finmeccanica Note**

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With reference to the articles published in the last few days by some newspapers - and with particular reference to the circumstances that have associated the names of Finmeccanica and AgustaWestland with those of Valter Lavitola, the Hon. Marco Reguzzoni and events in India - the Finmeccanica Group, while fully respecting the work of the competent authorities, would like to make the following statement.

With reference to the circumstances involving the name of Valter Lavitola:

- Finmeccanica and AgustaWestland have not paid, or promised to pay, any form of bribe - either in cash or in the form of physical assets, such as helicopters or the like - to Valter Lavitola, the Government of Panama or other intermediaries;
- Mr. Giuseppe Orsi has never authorised - for whatever reason – any AgustaWestland helicopter to be made available to the Government of Panama, or its President, neither instead of nor in advance of the terms set out for the supply of 5 helicopters as provided for by the contract stipulated by AgustaWestland and the Government of Panama in August 2010. It is further specified that, to date, said helicopters have not yet been delivered, as they are still in production;
- as explained below, the process for construction and delivery of a helicopter involves strict compliance rules, regulated by the Code of Navigation, which makes it impossible to export a helicopter in an illicit and untraceable manner:
  - the Code of Navigation indicates, in fact, that each civilian aircraft manufactured must be declared in advance to the Transport Ministry, and that the aircraft must be registered in the relevant construction register held by the National Civil Aviation Agency (ENAC). Technical checks are also carried out by ENAC and regulated by special regulations issued by the European Aeronautical Security Agency (EASA). Once a helicopter has been built and issued with an air navigation certificate, the aircraft is then registered in the National Aeronautical Register and in the EU register if the owner is either a person or a legal entity from the European Union. If the helicopter is purchased by an individual from outside the EU, the helicopter is registered in the register of the non-EU state. In this case, the Italian manufacturer provides the aircraft with an air navigation certificate valid for export, issued by ENAC, the validity of which is recognised by the equivalent foreign bodies in charge of technical checks on aircraft in the country of destination. In this case, ENAC also issues a certificate attesting that the aircraft has not been registered in Italy, although it has been declared as manufactured in Italy.

With reference to the circumstances involving the name of the Hon. Marco Reguzzoni:

- AgustaWestland has never purchased industrial warehouses owned by the Hon. Marco Reguzzoni or by companies connected to him;
- Until 2006, AgustaWestland occupied buildings owned by Finmeccanica (the former Caproni Plant), which were used for customer support activities. However, over time the use of these

buildings proved to be uneconomical, considering their age, the need to make significant improvements to bring them up to the required safety standards and the need to expand activities to support the growing number of AW139 helicopters that were starting to come onto the market. As a result Finmeccanica, following a resolution by the Board of Directors, decided in 2007 to transfer them to the Fondazione Museo dell'Aeronautica (Aeronautical Museum Foundation), set up by the Varese Provincial Authorities and other local bodies;

- As a consequence of the above, it became necessary to find other buildings to be used for AgustaWestland customer support activities. After examining several options, the choice fell on a building, used as a logistics warehouse with an office annex, recently built and located in the vicinity of Malpensa (at Lonate Pozzolo, in a strategic location from a logistics point of view). An ordinary lease contract was thus stipulated for the property in question in September 2006;
- The owner of the building leased by AgustaWestland is Avioport SpA, with registered offices in Lonate Pozzolo. 70% of this company is held by Malpensa Real Estate BV (Holland), which in turn is a holding company owned by NV Luchthaven Schiphol – the company that owns Amsterdam's Schiphol airport –, while the remaining 30% is held by Finair srl.

With reference to the circumstances relating to AgustaWestland helicopters supplied to India:

- AgustaWestland has not committed any form of irregularity, nor has any type of commission been paid to any type of broker, either during the (military) tender for supply of AW101 helicopters to the Defence Ministry, or during the (civilian) tender for possible supply of helicopters to the police forces.
- AgustaWestland has thus complied in full with the laws of India which prohibit the use of brokers for military supplies. A recent investigation by the Defence Ministry ascertained this, and confirmed that the tender for AW101 helicopters was absolutely regular.
- On the contrary, Indian Law does not preclude the use of brokers for civil supplies. However, this contract has never taken concrete form, because the tender never took place. AgustaWestland as a result has neither sold any helicopters to the police forces, nor paid any type of commission.
- The agency contract relating to the possible sale of helicopters to the police forces was drawn up in full compliance with Italian, Indian and international laws. Contracts of this type represent a standard and common practice at international level, and in this type of business.
- There is no connection - either direct or indirect - between the programme relating to the AW101 helicopters for the Indian Air Force and that of the police force: the reference sectors are different, the stakeholders are different, the procedures are different, and the products are different.

The Finmeccanica Group has requested its lawyers to assess whether or not legal action should be taken to protect its rights and to compensate for the serious damage suffered and yet to be suffered.