

## NOTICES FROM MEMBER STATES

**Amendment by France of the public service obligations imposed on scheduled air services between Ajaccio, Bastia, Calvi and Figari, and Paris-Orly**

(Text with EEA relevance)

(2008/C 273/07)

1. Pursuant to the decisions of the Corsican regional authorities of 19 June 2008 and 9 October 2008, France has decided to amend, from 29 March 2009, the public service obligations imposed on scheduled air services between Ajaccio, Bastia, Calvi and Figari on the one hand and Paris (Orly) on the other, as published in the *Official Journal of the European Union* C 149 of 21.6.2005, pursuant to Article 4(1)(a) of Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes <sup>(1)</sup>.

In accordance with Article 9 of Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports <sup>(2)</sup>, the French authorities have decided to reserve certain slots at Orly airport for the operation of the above-mentioned services.

2. THE AMENDED PUBLIC SERVICE OBLIGATIONS TAKE ACCOUNT IN PARTICULAR OF CORSICA'S ISLAND STATUS AND ARE AS FOLLOWS:

**2.1. Minimum frequency, timetables, type of aircraft used and capacity provided:****(a) Between Paris-Orly and Ajaccio:**

— frequency:

(i) at least three round trips per day from Monday to Friday, except on public holidays, with the timetables enabling passengers to make a return trip on the same day and spend at least 11 hours in Paris or 7 hours in Ajaccio;

(ii) at least three round trips per day, evenly spread throughout the day, on Saturdays, Sundays and public holidays,

— services must be operated by turbojet aircraft,

— services must be non-stop between Paris-Orly and Ajaccio,

— the capacity offered must allow freight and/or post to be carried and enable passengers to be carried subject to the following conditions:

(i) throughout the year, the minimum basic capacity is 950 seats per day, of which at least 170 per leg are to be provided in the evening from 18.00.

In addition to this basic capacity:

— 1 200 seats per day for ten weeks from late June to early September,

— 500 seats per day from late March to late October (excluding the ten-week period referred to above);

(ii) in view of the distribution of traffic peaks throughout the year, due to school and public holiday dates (All Saints, Christmas, Easter, Ascension, Whitsun, bridging days, and departing and returning summer holidaymakers, etc.) the following minimum additional capacities must be offered (total capacity in both directions) and allocated primarily to:

— the first and last days of school holidays,

— a single-day holiday occurring on Tuesday, Wednesday or Thursday and the day before that holiday,

— on the day before and on the last day of long weekends where the day before Saturday and/or after Sunday is a public holiday.

The minimum additional capacity is as follows:

— 12 000 seats to be allocated to traffic peaks during the IATA winter scheduling season,

— during ten weeks from late June to early September: 2 800 seats, plus 11 500 seats in 2009 allocated according to the calendar each year to cover the extra demand at the following peak times: early July, mid-July, late July/early August, mid-August and late August/start of the school year, with a 5 % increase in capacity during 2010 and in 2011,

<sup>(1)</sup> OJL 240, 24.8.1992, p. 8.

<sup>(2)</sup> OJL 14, 22.1.1993, p. 1.

- during the rest of the IATA summer season, outside of the ten weeks mentioned above: 36 000 seats in 2009 to be allocated to the peak travel season, with capacity to be increased by 5 % in 2010 and 5 % in 2011.

These additional capacities will not include any excess seats spontaneously offered over and above these basic capacities.

These minimum additional capacities must be offered for sale at least two months before the dates of the flights concerned,

- timetables and the distribution over the year of the various capacities will be the subject of an explicit memorandum of understanding, in advance of each IATA air season, with the Corsican Transport Board. In order to do this and prior to finalising this memorandum of understanding, the carrier shall submit programme proposals using the electronic form indicated by the Transport Board. In the absence of an agreement, the final decision will be taken by the Transport Board.

(b) *Between Paris-Orly and Bastia:*

- frequency:
  - (i) at least three round trips per day from Monday to Friday, except on public holidays, with the timetables enabling passengers to make a return trip the same day and spend at least 11 hours in Paris or 7 hours in Bastia;
  - (ii) at least three round trips per day, evenly spread throughout the day, on Saturdays, Sundays and public holidays,
- services must be operated by turbojet aircraft,
- services must be non-stop between Paris-Orly and Bastia,
- the capacity offered must allow freight and/or post to be carried and enable passengers to be carried subject to the following conditions:
  - (i) throughout the year, the minimal basic capacity is 950 seats per day, of which at least 170 per leg are to be provided in the evening from 18.00.

In addition to this basic capacity:

- 800 seats per day during a ten-week period from late June to early September,
- 250 seats per day from late March to late October (excluding the ten-week period referred to above);
- (ii) in view of the distribution of traffic peaks throughout the year, due to school and public holiday dates (All Saints, Christmas, Easter, Ascension, Whitsun, bridging days, and departing and

returning summer holidaymakers, etc.), the following minimum additional capacities must be offered (total capacity in both directions) and allocated primarily to:

- the first and last days of school holidays,
- a single-day holiday occurring on Tuesday, Wednesday or Thursday and the day before that holiday,
- on the day before and on the last day of long weekends where the day before Saturday and/or after Sunday is a public holiday.

The minimum additional capacity is as follows:

- 10 000 seats to be allocated to traffic peaks during the IATA winter scheduling season,
- during ten weeks from late June to early September: 2 000 seats per week, plus 11 500 seats in 2009 allocated according to the calendar each year to cover the extra demand at the following peak times: early July, mid-July, late July/early August, mid-August and late August/start of the school year, with a 5 % increase in capacity during 2010 and in 2011,
- during the rest of the IATA summer season, outside of the ten-week period referred to above: 36 000 seats in 2009 to be allocated to peak traffic periods, and a 5 % increase in capacity in 2010 and 2011.

These additional capacities will not include any excess seats spontaneously offered over and above these basic capacities.

These minimum additional capacities must be offered for sale at least two months before the dates of the flights concerned,

- timetables and the distribution over the year of the various capacities will be the subject of an explicit memorandum of understanding, in advance of each IATA air season, with the Corsican Transport Board. In order to do this and prior to finalising this memorandum of understanding, the carrier shall submit programme proposals using the electronic form indicated by the Transport Board. In the absence of an agreement, the final decision will be taken by the Transport Board.

(c) *Between Paris-Orly and Calvi:*

- frequency:
  - (i) at least five round trips per week, including three from Friday to Sunday and one mid-week, with capacity to carry at least 140 passengers each way on each of the days in question, during the IATA winter scheduling season;

(ii) at least one round trip per day, with capacity to carry at least 140 passengers, during the IATA summer scheduling season,

- services must be operated by turbojet aircraft,
- services must be non-stop between Paris-Orly and Calvi,
- the capacity offered must allow freight and/or post to be carried and, with regard to the carriage of passengers, must meet the following conditions:

(i) a minimum basic capacity of 1 500 seats per week throughout the year.

From late March to late October, the minimum capacity must be at least 140 seats in the afternoon in the following cases:

- on Fridays from Paris to Calvi,
- on Sunday, unless the following Monday is a public holiday, from Calvi to Paris,
- where the day before Saturday and/or after Sunday is a public holiday, on the day before the long weekend from Paris to Calvi and on the last day of the long weekend from Calvi to Paris,
- on the day before a public holiday from Paris to Calvi and on the public holiday itself from Calvi to Paris in the case of a single-day public holiday occurring on Tuesday, Wednesday or Thursday.

In addition to this basic capacity:

- a minimum of 2 800 seats per week during a ten-week period from late June to early September,
- 650 seats per week from late March to late October, excluding the ten-week period referred to above;

(ii) in view of the distribution of traffic peaks throughout the year, due to school and public holiday dates (All Saints, Christmas, Easter, Ascension, Whitsun, bridging days, and departing and returning summer holidaymakers, etc.) the following minimum additional capacities must be offered (total capacity in both directions):

- the first and last days of school holidays,
- a single-day holiday occurring on Tuesday, Wednesday or Thursday and the day before that holiday,
- on the day before and on the last day of long weekends where the day before Saturday and/or after Sunday is a public holiday.

The minimum additional capacity is as follows:

- 2 000 seats to be allocated to traffic peaks during the IATA winter scheduling season,
- during ten weeks in the summer from late June to early September: 1 900 seats per week, plus 8 500 seats in 2009 allocated according to the calendar each year to cover the extra demand at the following peak times: early July, mid-July, late July/early August, mid-August and late August/start of the school year, with a 5 % increase in capacity during 2010 and in 2011,
- during the rest of the 2009 IATA summer season, outside of the ten-week period referred to above: 16 000 seats in 2009 to be allocated to peak traffic periods and a 5 % increase in capacity in 2010 and 2011.

These additional capacities will not include any excess seats spontaneously offered over and above these basic capacities.

These minimum additional capacities must be offered for sale at least two months before the dates of the flights concerned,

- timetables and the distribution over the year of the various capacities will be the subject of an explicit memorandum of understanding, in advance of each IATA air season, with the Corsican Transport Board. In order to do this and prior to finalising this memorandum of understanding, the carrier shall submit programme proposals using the computer form indicated by the Transport Board. In the absence of an agreement, the final decision will be taken by the Transport Board.

(d) *Between Paris-Orly and Figari:*

- frequency:
  - (i) at least five round trips per week, including three from Friday to Sunday and one mid-week, with capacity to carry at least 140 passengers each way on each of the days in question, during the IATA winter scheduling season;
  - (ii) at least one round trip per day, with capacity to carry at least 140 passengers, during the IATA summer scheduling season,
- services must be operated by turbojet aircraft,
- services must be non-stop between Paris-Orly and Figari,

— the capacity offered must allow freight and/or post to be carried and, with regard to the carriage of passengers, must meet the following conditions:

- (i) throughout the year, a minimum basic capacity of 1 500 seats per week.

From late March to late October, the minimum capacity must be at least 140 passengers after 18.00 in the following cases:

- on Fridays from Paris to Figari,
- on Sunday, unless the following Monday is a public holiday, from Figari to Paris,
- where the day before Saturday and/or after Sunday is a public holiday, on the day before the long weekend from Paris to Figari and on the last day of the long weekend from Figari to Paris,
- on the day before a public holiday from Paris to Figari and on the public holiday itself from Figari to Paris in the case of a single-day public holiday occurring on Tuesday, Wednesday or Thursday.

In addition to this basic capacity:

- a minimum of 2 800 seats per week during a ten-week period from late June to early September,
  - 650 seats per week from late March to late October, excluding the ten-week period referred to above;
- (ii) in view of the distribution of traffic peaks throughout the year, due to school and public holiday dates (All Saints, Christmas, Easter, Ascension, Whitsun, bridging days, and departing and returning summer holidaymakers, etc.) the following minimum additional capacities must be offered (total capacity in both directions):
- the first and last days of school holidays,
  - a single-day holiday occurring on Tuesday, Wednesday or Thursday and the day before that holiday,
  - on the day before and on the last day of long weekends where the day before Saturday and/or after Sunday is a public holiday.

The minimum additional capacity is as follows:

- 2 000 seats to be allocated to traffic peaks during the IATA winter scheduling season,
- during ten weeks from late June to early September: 1 900 seats per week, plus 9 000 seats in 2009 allocated according to the calendar each year to cover the extra demand at the following peak times: early July, mid-July, late July/early August, mid-August and late August/start of the school year, with a 5 % increase in capacity during 2010 and in 2011,

— during the rest of the 2009 IATA summer season, outside of the ten-week period referred to above: 16 000 seats in 2009 to be allocated to peak traffic periods, and a 5 % increase in capacity in 2010 and 2011.

These additional capacities will not include any excess seats spontaneously offered over and above these basic capacities.

These minimum additional capacities must be offered for sale at least two months before the dates of the flights concerned,

- timetables and the distribution over the year of the various capacities will be the subject of an explicit memorandum of understanding, in advance of each IATA air season, with the Corsican Transport Board. In order to do this and prior to finalising this memorandum of understanding, the carrier shall submit programme proposals using the electronic form indicated by the Transport Board. In the absence of an agreement, the final decision will be taken by the Transport Board.

## 2.2. Fares

The following fares exclude distribution costs and *per capita* taxes and duties levied by the State, local authorities and airport authorities, and identified as such on the air ticket, but include value added tax (VAT) on the mainland section of the route.

- the normal single fare on routes between Paris-Orly and Corsica must be no more than EUR 186 per leg, or EUR 216 during the ten-week period from late June to early September,
- passengers whose principal place of residence is in Corsica and who use tickets purchased in Corsica, the validity of which is restricted to a stay outside the island of less than 40 days, in order to make a round trip, other than resident students under 27 years of age, young residents educated on the mainland and minors who are children of divorced parents with one parent residing on Corsica, must be entitled to a return fare of no more than EUR 156 on Paris-Orly-Corsica routes all year round on all flights, without capacity restrictions,
- the following categories of passengers must be entitled to a fare of no more than EUR 91 per leg, or EUR 102 per leg during the ten-week period from late June to early September, on all flights on routes between Paris-Orly and Corsica:
  - (i) young persons (under 25 years old);
  - (ii) senior citizens (aged 60 years or over);
  - (iii) students under 27 years of age;
  - (iv) families (at least two members of the same family travelling together);
  - (v) disabled persons.

In respect of at least 50 % of daily capacity in each direction on each route, carriers must authorise the sale of tickets at the above fares to the five above categories of passenger without any restriction whatsoever until the last seat available has been sold.

For all categories of passengers, the carrier may require that a ticket be issued and paid for within a timeframe proportional to that which has elapsed since the reservation, on the basis of a table to be drawn up in agreement with the Corsican Transport Board.

Passengers charged on the basis of a 'resident' rate must be grouped together with those who have paid a full fare for boarding purposes.

In the event of an abnormal and unforeseeable increase in costs affecting the operation of the air routes, outside of the carrier's control, these maximum fares may be raised in proportion to the increase. The new maximum fares will be notified to the carriers operating the services and will apply within an appropriate period.

By contrast, if costs have increased, thereby causing a corresponding increase in fares but these costs subsequently revert to their previous level and all other factors, notably duration, are the same as before, the fare increase will be cancelled within the same timeframe once the carrier has been notified accordingly.

All fares offered to passengers must be accessible and sold on a permanent basis using at least one international reservation system or through one of the following methods: reservation centre, travel agencies, Internet, airport ticketing desk. In addition to each of these sales methods, users must also have access to clear and specific information in paper and electronic format, on current fare conditions, given in gross and net amounts, indicating distribution costs, depending on the methods in question.

Carriers must take appropriate measures to ensure that the following passengers are accepted on an unrestricted basis:

- unaccompanied minors (UMs) within the meaning of the IATA regulation, from the age of four years, with no fare surcharges applied,
- passengers whose mobility is reduced or who suffer from a recognised disability (WCHR, WCHS, WCHC) will be granted access on board in accordance with the IATA regulation. To this end, carriers will have to demonstrate that they have access to approved stretchers. The fare surcharges applied may not exceed the sum of the seats occupied in order to transport these passengers.

Carriers will grant each passenger a baggage allowance of 20 kg free of charge. The amount of excess baggage charged per passenger shall not exceed the sum of EUR 3 per kg under any circumstances.

The carrier may enter into an IATA inter-line agreement regarding, for each route, at least one carrier operating to domestic destinations from Paris (Orly) airport and governing fares and baggage handling, the rules of application of which may be specified in the periodic memoranda of understanding between the carrier and the Corsican Transport Board.

### 2.3. Continuity of service

Except in cases of *force majeure*, the number of flights cancelled for reasons directly attributable to the carrier must not exceed 1 % of the number of flights scheduled in any IATA scheduling season.

In accordance with Article 4(1)(c) of Regulation (EEC) No 2408/92, any carrier intending to operate any of these routes must undertake to do so for at least twelve consecutive months.

The carrier may discontinue these services only after giving at least six months' advance notice.

### 2.4. Conditions for the provision of services

Any Community carrier wishing to operate one or other of the routes subject to the public service obligations referred to above must provide a detailed description of how it intends to provide these services, by providing, in particular, the following pieces of information.

#### (a) Operating programs

Operating programs (frequency, timetables, types of aircraft used, etc.) will be notified for the various periods set out in the public service obligations. The conditions for providing additional flights will also be set out.

#### (b) Fares policy

The carrier will provide a detailed table setting out its rates (full rate, reduced rate and detailed rules for application).

#### (c) Commercial conditions of operation

The carrier will set out the provisions envisaged for the transport of freight and/or post, for sales and the reservation systems, and arrangements for unaccompanied minors (UM) and reduced-mobility passengers in accordance with the provisions of the public service agreements. It will also specify the services provided on board and the inter-line agreements allowing for possible transfers, irrespective of whether these occur on the domestic or international network.

(d) *Technical conditions of operation*

The particular conditions through which the possibility and regularity of flights (aircraft and replacement of crew members in particular) is ensured, will be set out.

Community carriers should be aware that operation of these routes without complying with the public service obligations mentioned above may, in addition to incurring the administrative and/or legal penalties provided for, lead to their being

banned from taking part in any tender procedures organised by the Corsican regional authorities for a period of at least 5 years.

(e) *Labour conditions*

In accordance with the provisions of the French labour code (Article L 1224-1), the carrier shall notify the labour conditions which it will implement in respect of its staff.

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