III

(Notices)

COMMISSION

P-Lisbon: Operation of scheduled air services

Invitation to tender issued by Portugal under Article 4(1)(d) of Council Regulation (EEC) No 2408/92 in respect of the operation of scheduled air services between Lisbon/Bragança and Bragança/Vila Real/Lisbon

(2006/C 32/11)

(Text with EEA relevance)

1. Introduction: In pursuance of 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, Portugal has decided to amend the public service obligations imposed in respect of scheduled air services operated between Lisbon/Bragança and Bragança/Vila Real/Lisbon.

Insofar as by 30 November 2005 no air carrier has begun or is about to begin operating scheduled air services on the above-mentioned routes in accordance with the public service obligations imposed and without requesting financial compensation, Portugal has decided, in accordance with the procedure laid down by Article 4(1)(d) of that Regulation, to limit access to those routes to one air carrier only and to offer by public tender the right to operate those services from 31 March 2006.

2. Object of invitation to tender: Operation from 31 March 2006 of scheduled air services between Lisbon/Bragança and Bragança/Vila Real/Lisbon.

These services will be provided in accordance with the public service obligations imposed on those routes and published in Official Journal of the European Union C 30 of 7.2.2006 until 16.11.2006.

Please note that, given the special nature of these services, air carriers will have to demonstrate their capacity to operate the service in question with a cabin crew the majority of whom can speak and understand Portuguese.

3. Participation: All air carriers holding a valid operating licence issued by a Member State in accordance with Council Regulation (EEC) No 2407/92 of 23 July 1992 on licensing of air carriers, and an appropriate air carrier’s certificate, can operate these services.

4. Procedure: This invitation to tender is subject to points d, e, f, g, h and i of Article 4(1) of Regulation (EEC) No 2408/92.

5. Tender dossier: The complete tender dossier, comprising the specific rules governing the invitation to tender, may be obtained at the price of EUR 100 from: Instituto Nacional da Aviação Civil, Rua B, Edifícios 4, 5 e 6, Aeroporto da Portela 4, P-1749-034 Lisbon.

6. Financial compensation: Tenders submitted must explicitly indicate the amount required by way of compensation for operating the service for 3 years from the scheduled starting date (with an annual breakdown). If the tenders include the operation of flights at weekends, these should not entail any increase in the financial contribution to be borne by the Member State. The financial impact resulting from the operation of flights at weekends (not to be borne by the Member State) will have to be duly explained and justified in the proposal of the tenderer.

The exact amount of compensation finally granted will be determined annually ‘ex post’ on the basis of the proven costs and revenue actually generated by the service, within the limits of the amount given in the tender.

7. Fares: Tenderers’ bids must indicate the planned fares, which must be in accordance with the public service obligations published in the Official Journal of the European Union C 30 of 7.2.2006 (16.11.2006).
8. **Duration, amendment and termination of contract:** The contract shall enter into force on 31 March 2006 and end on 30 March 2009. The performance of the contract shall be subject to an annual examination, in cooperation with the carrier, during June and July. The amount of the financial compensation may be revised in the event of unforeseen changes in the operating conditions.

9. **Penalties:** Should the carrier be unable to operate the service owing to 'force majeure', the amount of the financial compensation may be reduced in proportion to flights not operated.

   Should the carrier fail to operate the service for reasons other than 'force majeure' or if he fails to fulfil the public service obligations, the Portuguese authorities may:
   — reduce the amount of the financial compensation in proportion to flights not operated.

10. **Submission of tenders:** 1. Bids must be submitted by 17:00 on the thirtieth day at the latest following publication of this invitation to tender in the *Official Journal of the European Union*.

2. Tenders may be delivered by hand — with receipt — to the headquarters of the Instituto Nacional de Aviação Civil, Rua B, Edifícios 4, 5 e 6. Aeroporto da Portela 4, P-749-034 Lisboa, between 09:00 and 17:00 hours, or sent by registered letter by the date and time laid down in point 1 above.

11. **Validity of invitation to tender:** In accordance with the first sentence of Article 4(1)(d) of Regulation (EEC) No 2408/92, the validity of this invitation to tender is subject to the condition that no Community air carrier eligible to operate the service in question presents by 30 November 2005 an application to operate the routes in question as from 31 March 2006, in accordance with the public service obligations imposed, without receiving any financial compensation.

   Where one or more carriers apply, by 30 November 2005, to operate these services, satisfying the public service obligations and without requesting compensation, this invitation to tender shall lapse.