

III

(Notices)

COMMISSION

Operation of scheduled air services

Invitation to tender issued by France under Article 4(1)(d) of Council Regulation (EEC) No 2408/92 in respect of the operation of scheduled air services between Le Havre (Octeville), Rouen (Vallée de Seine) and Strasbourg (Entzheim)

(1999/C 161/06)

(Text with EEA relevance)

1. Introduction

In pursuance of Article 4(1)(a) of Regulation (EEC) No 2408/92 of 23. 7. 1992 on access for Community air carriers to intra-Community air routes, France has decided to impose public service obligations in respect of scheduled air services operated between Le Havre (Octeville), Rouen (Vallée de Seine) and Strasbourg (Entzheim). The standards required by these public service obligations were published in *Official Journal of the European Communities* No C 279 of 25.9.1996 under the reference number 96/C 279/03 and have been amended and published in *Official Journal of the European Communities* No C 116 of 16.4.1998 under the reference number 98/C 116/08.

In so far as, by 4. 9. 1999, no air carrier has commenced or is about to commence scheduled air services between Le Havre (Octeville), Rouen (Vallée de Seine) and Strasbourg (Entzheim) in accordance with the public service obligations imposed and without requesting financial compensation, France has decided, in accordance with the procedure laid down by Article 4(1)(d) of that regulation, to limit access to only 1 air carrier and to offer by public tender the right to operate such services from 4. 10. 1999.

2. Object of invitation to tender

Operation from 4. 10. 1999 of scheduled air services between Le Havre (Octeville), Rouen (Vallée de Seine) and Strasbourg (Entzheim) in accordance with the public service obligations imposed on that route as published in *Official Journal of the European Communities* No C 279 of 25.9.1996 under the reference number 96/C 279/03 and amended and published in *Official Journal of the European Communities* No C 116 of 16.4.1998 under the reference number 98/C 116/08.

3. Participation in the invitation to tender

Participation is open to all air carriers holding a valid operating licence issued under Council Regulation (EEC) No 2407/92 of 23. 7. 1992 on licensing of air carriers.

4. Tender procedure

This invitation to tender is subject to the provisions of Article 4(1)(d-i) of Regulation (EEC) No 2408/92.

5. Tender dossier

The complete tender dossier, including the specific rules governing the invitation to tender and the public service delegation agreement together with its technical annex (text of the public service obligations published on 25. 9. 1996 in *Official Journal of the European Communities*), may be obtained, free of charge, from:

P. Gille: Aéroport du Havre (Octeville), rue Louis Blériot, F-76620 Le Havre, tel. (33) 2 35 54 65 01, facsimile (33) 2 35 54 65 20,

J. Chanut: Aéroport de Rouen (Vallée de Seine), F-76520 Boos, tel. (33) 2 35 79 41 00, facsimile (33) 2 35 80 48 67.

A brochure concerning Le Havre (Octeville) and Rouen (Vallée de Seine) airports and a brochure concerning the demographic and socio-economic situation of the catchment area of these 2 airports can also be obtained, free of charge, from these same sources.

6. Financial compensation

The tenders submitted will indicate the amount required by way of compensation for operating the service for 3 years from the scheduled starting date (with an annual breakdown). The exact amount of compensation finally granted will be determined each year ex-post on the basis of the costs and revenue actually generated by the service, within the limits of the amount given in the tender. This maximum limit may be revised only in the event of an unforeseen change in the operating conditions.

The annual payments will be made in the form of instalments and a balance. The balance will be paid only after approval of the carrier's accounts for the route in question and verification that the service has operated in accordance with the conditions laid down in point 8.

In the event of termination of the contract before its normal expiry date, point 8 will be applied as soon as possible to allow payment to the carrier of the balance due, the maximum amount referred to in the first subparagraph being reduced, where appropriate, in proportion to the actual duration of the service.

7. Duration of contract

The duration of the contract (public service delegation agreement) is 3 years from the date scheduled for the beginning of the services indicated in point 2 of this invitation to tender.

8. Verification of the operation of the service and of the carrier's accounts

The operation of the service and the carrier's cost accounting for the route in question will be the subject of at least an annual examination in cooperation with the carrier.

9. Termination of contract and notice

The contract may be terminated by either party before its normal expiry date only if 6 month's notice is given. If the carrier fails to respect a public service obligation, it shall be deemed to have terminated the contract without notice if it does not resume the service in accordance with the public service obligations within 1 month of the serving of formal notice.

10. Penalties

Failure by the carrier to observe the period of notice referred to in point 9 will be subject to a penalty. This is calculated by

applying a coefficient of 3 to the average monthly deficit recorded over the previous year or, failing that, to the average monthly amount of the compensation required for the first year of operation multiplied by the number of months of default.

In the event of cancellation of the contract for failure to perform public service obligations, the carrier will be liable to the penalty referred to in the preceding paragraph, the number of months of default being fixed at a flat rate of 6.

11. Submission of tenders

Tenders must be sent by registered letter with acknowledgement of receipt, the postmark serving as proof, or delivered by hand with receipt, at the earliest 1 month and at the latest 5 weeks from the date of publication of this invitation to tender in the *Official Journal of the European Communities*, before 17.00, local time, to the following address:

Chambre de commerce et d'industrie du Havre, bureau des marchés, BP 1410, F-76067 Le Havre Cedex, tel. (33) 2 35 55 26 00, facsimile (33) 2 35 55 26 26.

12. 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 carrier presents, by 4. 9. 1999, a programme for operating the route in question as from 4.10.1999 in accordance with the public service obligations imposed without receiving any compensation and without requiring access to the route to be restricted to 1 carrier.