

**Amendment by France of public service obligations imposed on scheduled air services between Ajaccio, Bastia, Calvi and Figari, and Marseilles and Nice**

(2003/C 9/04)

(Text with EEA relevance)

1. France has decided, 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 and in accordance with the decision of the Corsican regional authorities of 26 September 2002, to amend, from 27 October 2002, the public service obligations imposed on scheduled air services between Ajaccio, Bastia, Calvi and Figari on the one hand and Marseilles and Nice on the other, as published in *Official Journal of the European Communities* C 9 of 13 January 2000 and amended by notices C 338/04 of 29 November 2000 and C 204/06 of 28 August 2002.
    - 120 from the start of the summer 2004 IATA scheduling season and at least 135 from the start of the summer 2005 IATA scheduling season;
  2. **The amended public service obligations take account of Corsica's island status and are as follows:**
    - 2.1. **Minimum frequency, timetables and capacity provided**
      - (a) Between Marseilles and Ajaccio
        - Frequency:
          - (i) at least three round trips per day Monday to Friday, except on public holidays; morning and evening, to enable customers to make a return trip the same day and spend at least eight hours at Ajaccio or 11 hours at Marseilles, and one in the middle of the day;
          - (ii) at least three round trips per day, evenly spread throughout the day, on Saturdays and Sundays.
        - The services must be non-stop between Ajaccio and Marseilles.
        - The capacity provided must satisfy the following conditions:
          - (i) from Monday to Friday at least 100 seats must be provided in each direction, morning and evening; for the morning departure from Ajaccio, which must leave before 08.00, at least 105 seats must be provided from the start of the summer 2003 IATA scheduling season, at least 120 from the start of the summer 2004 IATA scheduling season and at least 135 from the start of the summer 2005 IATA scheduling season;
          - (ii) the following minimum weekly capacities must be provided and indicated in the published timetables (combined capacity for both directions):
            - throughout the year, a basic capacity of 4 500 seats per week, including 600 seats per day on Saturdays and Sundays,
            - to this basic capacity should be added:
              - 2 500 seats per week during school summer holidays (nine weeks from late June to early September),
              - 1 500 seats per week during the IATA summer scheduling season (outside the school summer holidays referred to above);
            - (iii) in view of the distribution of traffic peaks throughout the year, due mainly to school and public holiday dates (All Saints, Christmas, Easter, Ascension, Whitsun, etc.) the following minimum additional capacities must be offered (total capacity in both directions):
              - 6 000 seats during the IATA winter scheduling season,
              - 6 000 seats for the whole school summer holiday period (nine weeks from late June to early September),
              - 6 000 seats during the IATA summer scheduling season (outside the school summer holidays referred to above).
- These minimum additional capacities must be offered for sale at least two months before the dates of the flights concerned.

(b) Between Marseilles and Bastia

(outside the school summer holidays referred to above);

## — Frequency:

(i) at least three round trips per day Monday to Friday, except on public holidays; morning and evening, to enable customers to make a return trip the same day and spend at least eight hours at Bastia or 11 hours at Marseilles, and one in the middle of the day;

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

— The services must be non-stop between Bastia and Marseilles.

— The capacity provided must satisfy the following conditions:

(i) from Monday to Friday at least 100 seats must be provided in each direction, morning and evening. For the morning departure from Bastia, which must leave before 08.00, at least 105 seats must be provided from the start of the summer 2003 IATA scheduling season, at least 120 from the start of the summer 2004 IATA scheduling season and at least 135 from the start of the summer 2005 scheduling season;

(ii) the following minimum weekly capacities must be provided and indicated in the published timetables (combined capacity for both directions):

— throughout the year, a basic capacity of 4 500 seats per week, including 600 seats per day on Saturdays and Sundays,

— to this basic capacity should be added:

— 2 000 seats per week during school summer holidays (nine weeks from late June to early September),

— 1 500 seats per week during the IATA summer scheduling season

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

— 6 000 seats during the IATA winter scheduling season,

— 6 000 seats for the whole school summer holiday period (nine weeks from late June to early September),

— 6 000 seats during the IATA summer scheduling season (outside the school summer holidays referred to above).

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

(c) Between Marseilles and Calvi

— Frequency: at least one round trip per day Monday to Friday, except on public holidays, to enable customers to make a return trip the same day and spend at least seven hours in Marseilles.

— The services must be non-stop between Marseilles and Calvi.

— The capacity provided must satisfy the following conditions:

(i) the following minimum weekly capacities must be provided and indicated in the published timetables (combined capacity for both directions):

— throughout the year, a basic capacity of 900 seats per week,

— 1 000 seats per week should be added to this basic capacity during the school summer holiday period (nine weeks from late June to early September);

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

- 1 000 seats during the IATA winter scheduling season,
- 3 800 seats for the whole school summer holiday period (nine weeks from late June to early September),
- 5 200 seats during the IATA summer scheduling season (outside the school summer holidays referred to above).

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

(d) Between Marseilles and Figari

— Frequency:

(i) at least two round trips per day Monday to Friday, except on public holidays, morning and evening, to enable customers to make a return trip the same day and spend at least 10 hours in Marseilles and at least seven hours in Figari;

(ii) at least two round trips per day on Saturdays and Sundays.

— The services must be non-stop between Marseilles and Figari.

— The capacity provided must satisfy the following conditions:

(i) the following minimum weekly capacities must be provided and indicated in the published timetables (combined capacity for both directions):

- throughout the year, a basic capacity of 1 400 seats per week,
- to this basic capacity should be added:

- 1 400 seats per week during school summer holidays (nine weeks from late June to early September),

- 200 seats per week during the IATA summer scheduling season (outside the school summer holidays referred to above);

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

- 1 000 seats during the IATA winter scheduling season,

- 3 800 seats for the whole school summer holiday period (nine weeks from late June to early September),

- 5 200 seats during the IATA summer scheduling season (outside the school summer holidays referred to above).

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

(e) Between Nice and Ajaccio

— Frequency:

(i) at least three round trips per day Monday to Friday, except on public holidays; morning and evening, to enable customers to make a return trip the same day and spend at least eight hours at Ajaccio or 11 hours at Nice, and one in the middle of the day;

(ii) at least six round trips in total spread over Saturday and Sunday.

— The services must be non-stop between Ajaccio and Nice.

— The capacity provided must satisfy the following conditions:

(i) from Monday to Friday at least 60 seats must be provided in each direction, morning and evening;

(ii) the following minimum weekly capacities must be provided and indicated in the published timetables (combined capacity for both directions):

— throughout the year, a basic capacity of 2 800 seats per week,

— to this basic capacity should be added:

— 900 seats per week during school summer holidays (nine weeks from late June to early September),

— 500 seats per week during the IATA summer scheduling season (outside the school summer holidays referred to above);

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

— 2 000 seats during the IATA winter scheduling season,

— 6 000 seats for the whole school summer holiday period (nine weeks from late June to early September),

— 6 000 seats during the IATA summer scheduling season (outside the school summer holidays referred to above).

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

However, as services to Nice and Toulon are complementary, up to 50 % of these minimum additional capacities may be provided on flights to Toulon, while flights to Nice must represent at least 50 % of the above minimum additional capacities.

(f) Between Nice and Bastia

— Frequency:

(i) at least three round trips per day Monday to Friday, except on public holidays; morning and evening, to enable customers to make a return trip the same day and spend at least eight hours at Bastia or 11 hours at Nice, and one in the middle of the day;

(ii) at least six round trips in total spread over Saturday and Sunday.

— The services must be non-stop between Bastia and Nice.

— The capacity provided must satisfy the following conditions:

(i) from Monday to Friday at least 60 seats must be provided in each direction, morning and evening,

(ii) the following minimum weekly capacities must be provided and indicated in the published timetables (combined capacity for both directions):

— throughout the year, a basic capacity of 2 800 seats per week,

— to this basic capacity should be added:

— 600 seats per week during school summer holidays (nine weeks from late June to early September),

— 300 seats per week during the IATA summer scheduling season (outside the school summer holidays referred to above);

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

— 2 000 seats during the IATA winter scheduling season,

- 6 000 seats for the whole school summer holiday period (nine weeks from late June to early September),
- 6 000 seats during the IATA summer scheduling season (outside the school summer holidays referred to above).

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

However, as services to Nice and Toulon are complementary, up to 50 % of these minimum additional capacities may be provided on flights to Toulon, while flights to Nice must represent at least 50 % of the above minimum additional capacities.

(g) Between Nice and Calvi

- Frequency: at least one round trip per day.
- The services must be non-stop between Nice and Calvi.
- The capacity provided must satisfy the following conditions:

(i) the following minimum weekly capacities must be provided and indicated in the published timetables (combined capacity for both directions):

- throughout the year, a basic capacity of 550 seats per week,
- to this basic capacity should be added:
  - 1 000 seats per week during school summer holidays (nine weeks from late June to early September),
  - 350 seats per week during the IATA summer scheduling season (outside the school summer holidays referred to above);

(ii) in view of the distribution of traffic peaks throughout the year, due mainly to school and public holiday dates (All Saints, Christmas, Easter, Ascension, Whitsun, etc.) the following minimum additional

capacities must be offered (total capacity in both directions):

- 1 000 seats during the IATA winter scheduling season,
- 1 300 seats for the whole school summer holiday period (nine weeks from late June to early September),
- 2 200 seats during the IATA summer scheduling season (outside the school summer holidays referred to above).

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

However, as services to Nice and Toulon are complementary, up to 50 % of these minimum additional capacities may be provided on flights to Toulon, while flights to Nice must represent at least 50 % of the above minimum additional capacities.

(h) Between Nice and Figari

- Frequency: at least one round trip per day.
- The services must be non-stop between Nice and Figari.
- The capacity provided must satisfy the following conditions:

(i) the following minimum weekly capacities must be provided and indicated in the published timetables (combined capacity for both directions):

- throughout the year, a basic capacity of 500 seats per week,
- to this basic capacity should be added:
  - 1 200 seats per week during school summer holidays (nine weeks from late June to early September),

— 500 seats per week during the IATA summer scheduling season (outside the school summer holidays referred to above);

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

- 1 000 seats during the IATA winter scheduling season,
- 4 000 seats for the whole school summer holiday period (nine weeks from late June to early September),
- 1 900 seats during the IATA summer scheduling season (outside the school summer holidays referred to above).

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

However, as services to Nice and Toulon are complementary, up to 50 % of these minimum additional capacities may be provided on flights to Toulon, while flights to Nice must represent at least 50 % of the above minimum additional capacities.

## 2.2. **Fares**

The following categories of passengers must be charged a fare not exceeding EUR 90 on all flights between Marseilles or Nice and Ajaccio or Bastia, not exceeding EUR 96 on all flights between Nice and Calvi or Figari, and not exceeding EUR 99 on all flights between Marseilles and Calvi or Figari, with no capacity restriction or time constraints on ticket reservations or purchases:

- (i) young persons (under 25 years of age);
- (ii) senior citizens (aged 60 years or over);
- (iii) students under 27 years of age;
- (iv) families (one or both parents travelling with at least one of their children who is a minor);
- (v) disabled persons;

(vi) 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 starting from Corsica.

It must be possible to change reservations, even after the ticket has been bought, or obtain a refund for unused tickets, without any charge being made or penalty imposed.

These fares exclude per capita taxes and duties charged by the State, local authorities and airport authorities, and identified as such on the air ticket.

If an abnormal and unforeseeable increase in the cost factors affecting the operation of the routes takes place for which the carriers are not responsible, these maximum fares may be raised in proportion to the increase. The new maximum fare will be notified to the carriers operating the services and will apply within an appropriate period. It will also be communicated forthwith to the European Commission for publication in the *Official Journal of the European Communities*.

## 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 one or other of these routes must undertake to do so for at least 12 consecutive months.

The carrier must give at least six months' notice before discontinuing these services.

Community carriers are hereby informed that the operation of air services without regard to the above-mentioned public service obligation may result in administrative and/or criminal penalties.

Air carriers are hereby informed that the French authorities reserve the right to grant aid having a social character to certain categories of passengers on these routes on the basis of Article 87(2)(a) of the EC Treaty.