

Amendment by France of public service obligations imposed on scheduled air services between Montpellier and Ajaccio and Montpellier and Bastia

(2003/C 9/05)

(Text with EEA relevance)

1. Pursuant to the decision of the Corsican regional authorities of 26 September 2002, France has decided to amend, from 27 October 2002, the public service obligations imposed 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 on scheduled air services between Montpellier and Ajaccio and between Montpellier and Bastia, as published in *Official Journal of the European Communities* C 183 of 30 June 2000 and amended by notices C 338/04 of 29 November 2000 and C 204/06 of 28 August 2002.

2. **The public service obligations take account of Corsica's island status and are as follows:**

2.1. **Minimum frequency, type of aircraft used and capacity provided**

(a) Between Montpellier and Ajaccio

- Frequency: at least one round trip per day in an aircraft with at least 40 seats
- The services must be non-stop between Montpellier and Ajaccio
- The capacity provided must satisfy the following conditions:

over and above the basic service, a minimum additional capacity of 10 800 seats (total capacity in both directions) must be provided during the summer season from the end of June to the beginning of September, i.e. over a period of nine weeks.

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

However, since during that season Ajaccio airport complements Figari airport and Montpellier airport complements the airports of the Languedoc-Roussillon region, up to 50 % of the minimum additional capacity may be offered on flights between the airports of this region and Ajaccio or Figari, while at least 50 % of the minimum additional capacity must be offered on the main Montpellier-Ajaccio link.

(b) Between Montpellier and Bastia

- Frequency: at least one round trip per day in an aircraft with at least 40 seats.
- The services must be non-stop between Montpellier and Bastia.
- The capacity provided must satisfy the following condition:

over and above the basic service, a minimum additional capacity of 10 800 seats (total capacity in both directions) must be provided during the summer season from the end of June to the beginning of September, i.e. over a period of nine weeks.

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

However, since during that season Bastia airport complements Calvi airport and Montpellier airport complements the airports of the Languedoc-Roussillon region, up to 50 % of the minimum additional capacity may be offered on flights between the airports of this region and Bastia or Calvi, while at least 50 % of the minimum additional capacity must be offered on the main Montpellier-Bastia link.

2.2. **Fares**

The following categories of passengers must be charged a fare not exceeding EUR 114 on all flights 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.

This fare excludes per capita taxes and duties levied 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, that fare may be raised in proportion to the increase. The new maximum fare must 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 twelve 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.