

**Commission notice pursuant to Article 4(1)(a) of Council Regulation (EEC) No 2408/92  
Imposition of public service obligations on the air routes between Crotona and Milan Linate and  
between Crotona and Rome Fiumicino**

(Text with EEA relevance)

(2008/C 241/09)

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, the Italian Government, in accordance with Article 52(35) of Law No 448 of 28 December 2001, has decided to impose public service obligations in respect of scheduled air services operated on the following routes:

**1. Routes concerned**

Between Crotona and Rome Fiumicino and *vice versa*.

Between Crotona and Milan Linate and *vice versa*.

- 1.1. By virtue of Article 9 of Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports, as amended by Regulation (EC) No 793/2004, the competent authorities may reserve certain slots for the performance of services under the arrangements specified in this notice.
- 1.2. With a view to meeting the objectives being pursued through the imposition of the public service obligations, the Italian National Civil Aviation Authority (ENAC) will check that accepting carriers have the appropriate structure and that they meet the minimum requirements for access to the service.

**2. Details of the public service obligations**

**2.1. Minimum frequencies:**

Between Crotona and Rome Fiumicino and *vice versa*.

The minimum frequency on the above route is as follows:

- two daily outward and two daily return flights all year round.

The entire capacity of each aircraft must be offered for sale under the public service obligation arrangements.

Between Crotona and Milan Linate and *vice versa*.

The minimum frequency on the above route is as follows:

- one daily outward and one daily return flight all year round.

The entire capacity of each aircraft must be offered for sale under the public service obligation arrangements.

**2.2. Timetables:**

Crotona to Rome Fiumicino:

- 1 flight departing between: 6.30 and 8.00,
- 1 flight departing between: 17.00 and 18.00.

Rome Fiumicino to Crotona:

- 1 flight departing between: 9.00 and 10.30,
- 1 flight departing between: 19.00 and 21.00.

Crotona to Milan Linate:

- 1 flight departing between: 6.00 and 9.30.

Milan Linate to Crotona:

- 1 flight departing between: 19.00 and 21.00.

### 2.3. Type and capacity of aircraft used:

The services must be operated with pressurised twin-turboprop or twin-jet aircraft with a seating capacity of at least 105 throughout the year.

The carrier which accepts the obligations will, subject to safety considerations which may justify denied boarding, take all necessary measures to facilitate the carriage, on the aircraft in use, of disabled passengers and passengers with reduced mobility.

### 2.4. Fares:

(a) the maximum fares to be charged on each route are as follows:

- between Crotone and Rome Fiumicino and *vice versa*  
(between 1 June and 30 September): EUR 79,00,  
(between 1 October and 31 May): EUR 60,00,
- between Crotone and Milan Linate and *vice versa*  
(between 1 June and 30 September): EUR 110,00,  
(between 1 October and 31 May): EUR 90,00.

The above fares are net of VAT and airport taxes and duties; no form of surcharge may be imposed.

At least one form of ticket distribution and sale must be provided which is entirely free of charge and places no additional economic burden on passengers.

All passengers who travel on the routes subject to this public service obligation will be entitled to the above fares;

(b) each year the competent authorities will adjust the maximum fares in line with the rate of inflation for the previous year calculated on the basis of the general ISTAT/FOI consumer price index. The amount of the adjustment will be notified to all carriers operating on the routes in question and, for publication in the *Official Journal of the European Union*, the European Commission.

As from the first quarter of 2009, if the average cost of fuel and/or the average euro/US dollar exchange rate varies by more than 5 % in any quarter, the fares must be revised in proportion to such variation and to the effect the cost of fuel has on the carrier's operating costs, usually estimated at 30 %. The reference parameter for calculating the variations shall be the price of fuel in August 2008. The price shall be compared against the average value for the preceding month. The Platts jet fuel freight FOB Med assessment, expressed in US dollars per metric tonne, shall be used to establish the price. The resulting figure shall be converted into euro using the rates published by the ECB. Any fare adjustments will be made on a quarterly basis by the Minister for Infrastructure and Transport on the basis of a review carried out by ENAC. The adjustment shall be made after consultation with the carriers operating on the routes concerned; in the event of a decrease, the procedure will be triggered automatically. During the above-mentioned examination procedure, the carriers operating on the routes concerned may be given an opportunity to comment. Any fare adjustment shall apply from the quarter following that in which the review took place, and shall apply solely to fares and not to duties and surcharges.

The amount of the adjustment will be notified to all carriers operating on the route and, for publication in the *Official Journal of the European Union*, the European Commission.

### 2.5. Continuity of service:

In order to guarantee the correct performance and continuity of the service, carriers which accept these public service obligations must:

- guarantee the service for at least 12 consecutive months and not suspend it without at least six months' notice,
- provide a performance security to guarantee the correct performance and continuity of the service. The amount of such security shall be at least EUR 700 000 — for each of the two routes — and must be guaranteed by an insurance or bank surety payable to ENAC (*Ente Nazionale dell'Aviazione Civile*), which will use it to ensure the continuity of the services concerned,
- ensure that at least 98 % of the flights scheduled each year are operated with a maximum number of cancellations for reasons directly attributable to the carrier, excluding cases of *force majeure*, of 2 % or less,

- pay the regulatory body a penalty of EUR 3 000 for every flight cancelled in excess of the 2 % limit. The proceeds will be allocated to the heading of the Crotona municipal budget dealing with the improvement of transport links to and from the city.

These penalties may be combined with those under Legislative Decree No 69 of 27 January 2006 on penalties for infringing Regulation (EC) No 261/2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and with the administrative penalties applicable under Legislative Decree No 172 of 4 October 2007 (on the rules governing penalties in respect of the assignment of take-off and landing slots).

These obligations replace those published in *Official Journal of the European Union* C 225 of 14.9.2005.

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