

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 Paris (Orly) and Albi

(Text with EEA relevance)

(95/C 350/33)

1. Introduction

In pursuance of Article 4 (1) (a) of Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes⁽¹⁾, France has decided to impose public service obligations in respect of scheduled air services operated between Paris (Orly) and Albi. The standards required by these public service obligations were published in *Official Journal of the European Communities* No C 284 of 28 October 1995.

In so far as by 1 March 1996 no air carrier will have commenced or be about to commence scheduled air services between Paris (Orly) and Albi 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 that route to only 1 air carrier and to offer by public tender the right to operate such services from 1 April 1996.

2. Object of invitation to tender

Operation from 1 April 1996 of scheduled air services between Paris (Orly) and Albi in accordance with the public service obligations imposed on that route and published in *Official Journal of the European Communities* No C 284 of 28 October 1995.

3. Participation

Participation is open to all air carriers holding a valid operating licence issued by a Member State under Council Regulation (EEC) No 2407/92 of 23 July 1992, on licensing of air carriers⁽²⁾.

However, as France is applying the second paragraph of Article 3 of Regulation (EEC) No 2408/92, air carriers licensed in a Member State other than France may not use, before 1 April 1997, for the cabotage service within France, more than 50 % of their seasonal capacity on the same service of which the cabotage service constitutes the extension or the preliminary.

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, including the specific rules governing the invitation to tender and the public service delegation convention together with its technical Annex (text of the public service obligations published on 28 October 1995 in the *Official Journal of the European Communities*, as well as a note on Albi-Le Séquestre airport and 1 on the demographic and socio-economic situation of the catchment area of that airport) may be obtained free of charge from:

Syndicat mixte de L'aérodrome d'Albi-Le Séquestre, 14, rue Timbal, F-81000 Albi, tel. (33) 63 49 48 47, facsimile (33) 63 49 48 40.

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 annual accounts). 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 been operated in accordance with the conditions laid down in Article 8 below.

In the event of termination of the contract before its normal expiry date, Article 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 convention) is 3 years from the date scheduled for the beginning of the services mentioned in Article 2 of this invitation to tender.

⁽¹⁾ OJ No L 240, 24. 8. 1992, p. 8.

⁽²⁾ OJ No L 240, 24. 8. 1992, p. 1.

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

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 months' 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 Article 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 fixed at a flat rate of 6.

11. Submission of tenders

Tenders must be sent by registered letter with acknowledgment 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:

Syndicat mixte de l'aérodrome d'Albi-Le Séquestre, 14, rue Timbal, F-81000 Albi, tel. (33) 63 49 48 47, facsimile (33) 63 49 48 40.

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 1 March 1996 a programme for operating the route in question in accordance with the public service obligations imposed without receiving any compensation.

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 F-Paris (Orly) and F-Aurillac

(Text with EEA relevance)

(95/C 350/34)

1. Introduction

In pursuance of Article 4 (1) (a) of EEC Regulation No 2408/92 of 23. 7. 1992 on access for Community air carriers to intra-Community air routes⁽¹⁾, France has decided to impose public service obligations in respect of scheduled air services operated between F-Paris (Orly) and F-Aurillac. The standards required by these public service obligations were published in *Official Journal of the European Communities* No C 227 of 1. 9. 1995.

In so far as by 1. 3. 1996 no air carrier will have commenced or be about to commence scheduled air services between F-Paris (Orly) and F-Aurillac 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

that route to only 1 air carrier and to offer, by public tender, the right to operate such services from 1. 3. 1996.

2. Object of invitation to tender

Operation, from 1. 4. 1996, of scheduled air services between F-Paris (Orly) and F-Aurillac in accordance with the public service obligations imposed on that route and published in *Official Journal of the European Communities* No C 227 of 1. 9. 1995.

3. Participation

Participation is open to all air carriers holding a valid operating licence issued by a Member State under Council Regulation (EEC) No 2407/92 of 23. 7. 1992 on licensing of air carriers⁽²⁾.

⁽¹⁾ OJ No L 240, 24. 8. 1992, p. 1.

⁽²⁾ OJ No L 240, 24. 8. 1992, p. 1.