

Operation of scheduled air services

Invitation to tender issued by the French Government pursuant to Article 9(2) of Council Regulation (EEC) No 95/93 of 18. 1. 1993 on common rules for the allocation of slots at Community airports, for the allocation of reserved slots at Paris (Orly) airport, for the operation of scheduled air services between that airport and Rodez

(98/C 355/06)

(Text with EEA relevance)

1. Introduction

Scheduled air services on the Paris (Orly)-Rodez route are operated in accordance with the public service obligations imposed on this route and published in the *Official Journal of the European Communities* No C 165 of 31. 5. 1997 by a carrier that uses for this purpose the slots reserved at Paris (Orly) for the operation of this route; these slots are reserved in accordance with Article 9(1)(b) of Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports and the Decree of 29. 12. 1995 on the use and reservation of certain slots at Paris (Orly) airport, published in the *Official Journal of the French Republic* on 17. 1. 1996, adopted pursuant to that Regulation.

A second carrier has made known his intention of introducing scheduled air services on the Paris (Orly)-Rodez route in accordance with the relevant public service obligations. However, this carrier has been unable to obtain the slots needed for this purpose at Paris (Orly) airport.

Therefore, in accordance with Article 9(2) of the above-mentioned Regulation (EEC) No 95/93, the French Government has decided to issue this invitation to tender in order to determine which carrier is to be allocated the slots reserved at Paris (Orly) airport for this route.

2. Subject of the invitation to tender

Use of the reserved slots to operate, as soon as possible after publication of this invitation to tender, and at the latest from the summer 1999 scheduling season, scheduled air services on the Paris (Orly)-Rodez route in accordance with the public service obligations imposed on this route and published in the *Official Journal of the European Communities* No C 165 of 31. 5. 1997. There is no provision for financial compensation for operating this route.

3. Participation in the invitation to tender

Participation is open to all carriers that hold a valid operating licence issued by a Member State in

accordance with Council Regulation (EEC) No 2407/92 of 23. 7. 1992 on licensing of air carriers.

4. Tender procedure

In accordance with Article 9(2) of Regulation (EEC) No 95/93, the procedures referred to in Article 4(1)(d)-(g) and (i) of Regulation (EEC) No 2408/92 apply to this invitation to tender.

A contract will subsequently be concluded between the selected carrier and the state (ministry in charge of civil aviation).

5. Tender dossier

The full tender dossier, including the specific rules for this invitation to tender and the draft agreement for the use of reserved slots at Paris (Orly) airport for the operation of scheduled air services between that airport and Rodez and its technical annexe (text of the public service obligations published in the *Official Journal of the European Communities*), is obtainable from:

Direction des transports aériens, direction générale de l'aviation civile, 48, rue Camille Desmoulins, F-92452 Issy-les-Moulineaux Cedex.

For information purposes, the reference flight times at Paris (Orly) airport are (local time):

Days - Departure - Arrival:

1, 2, 3, 4, 5 - 8.25-19.55 - 7.55-19.20.

However, the flight times proposed by the tenderers may differ from the reference flight times, subject to compliance with the provisions of Article 5 of the Decree of 29. 12. 1995 on the use and reservation of certain slots at Paris (Orly) airport.

6. Selection criteria

The successful tenderer will be selected at the earliest 2 full months after the deadline for the receipt of tenders.

For the purposes of selecting the successful tenderer, the dossier will be examined to ascertain that the route is to be operated in accordance with the public service obligations and the relevant technical rules, and account will also be taken of the following:

- the extent to which the services proposed meet the needs of users, with regard in particular to the type of aircraft to be used, the capacity offered, and the average duration of the flight in each direction; and
- the level of noise pollution caused by the aircraft to be used.

Tenders must also set out the tariffs which will be offered to passengers for the duration of the contract and, where appropriate, the conditions under which such tariffs may be amended, in particular to take account of changes in the price index. Such tariffs must be set at a reasonable level having regard to the tariffs charged on a sample of equivalent routes and the operating costs incurred by the carrier.

7. Duration of the contract

The duration of the contract shall be 3 years starting on the date of commencement of the scheduled air services referred to in paragraph 2 above.

8. Verification of service operation

The operation of the service on the route in question will be monitored continuously. It will also be reviewed at the end of each scheduling season in consultation with the carrier.

9. Cancellation and notice

9.1 The contract may be cancelled by either contracting party before the end of the normal period of validity by giving 6 months' advance notice.

9.2 Should the carrier fail to comply with 1 of the commitments given in the contract, he shall be deemed to have cancelled the contract without giving advance notice if he fails to resume the service in accordance with his commitments within 2 weeks of formal notice being given.

9.3 The contract will be cancelled by the state, without advance notice and without compensation, if another carrier has operated the Paris (Orly)-Rodez (Marcillac) route for at least 1 scheduling season in accordance with the public service obligations imposed on that route.

9.4 In the event of cancellation of the contract, except in the case referred to in paragraph 9.3, the slots reserved at Paris (Orly) airport for the operation of the Paris (Orly)-Rodez (Marcillac) route must be surrendered.

10. Penalties

Should the carrier fail to honour the commitments he has given in the contract or the period of advance notice referred to in paragraph 9.1, the applicable penalties laid down by the rules in force shall be imposed on him or, failing that, a flat-rate penalty of 20 000 FRF for each flight he has failed to operate in accordance with such commitments.

11. Presentation of tenders

Tenders must be sent by registered letter with acknowledgment of receipt, date as postmarked, or delivered by hand with receipt, at the earliest 1 month and at the latest 5 weeks after the date of publication of this invitation to tender in the *Official Journal of the European Communities* before 17.00, local time, to the address given in 5 above.