

## III

(Notices)

## COMMISSION

## Operation of scheduled air services

**Invitation to tender issued by the Federal Republic of Germany pursuant to Article 4(1)(d) of Council Regulation (EEC) No 2408/92 for the operation of scheduled air services between D-Erfurt and D-Munich**

(2001/C 237/12)

(Text with EEA relevance)

- 1. Introduction:** Pursuant to Article 4(1)(a) of Regulation (EEC) No 2408/92 of 23.7.1992 on access for Community air carriers to intra-Community air routes, the German Government decided to impose a public service obligation on scheduled air services between D-Erfurt and D-Munich with effect from 29.10.2001. The details of this public service obligation were published in the 'Official Journal of the European Communities' C 235 of 21.8.2001. If by 28.9.2001 no air carrier has submitted written proof of commencement of air services to the Thüringer Ministerium für Wirtschaft, Arbeit und Infrastruktur (Thuringia Ministry for Economic Affairs, Employment and Infrastructure) in accordance with the public service obligation imposed and without requesting compensation, Germany will, in accordance with the procedure laid down in Article 4(1)(d) of the abovementioned regulation, limit access to a single air carrier and put out the right to operate such services from 29.10.2001 to public tender.
- 2. Subject of the invitation to tender:** Operation of scheduled air services between D-Erfurt and D-Munich in accordance with the public service obligation imposed on this route, as published in the 'Official Journal of the European Communities' C 235 of 21.8.2001.
- 3. Participation in the invitation to tender:** Participation is open to all carriers who 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:** This invitation to tender is subject to the provisions of Article 4(1)(d)-(i) of Regulation (EEC) No 2408/92.

The Thüringer Ministerium für Wirtschaft, Arbeit und Infrastruktur reserves the right to reject all offers or to start negotiations if no economically acceptable tender is received.

Tenderers are bound by their tender until the tender is awarded. The contract will be awarded only for a tender that is economically acceptable in its entirety.

- 5. Tender dossier:** The full tender dossier, including the technical specifications, the terms of contract and details regarding the imposition of the public service obligation, is obtainable free of charge from:

Thüringer Ministerium für Wirtschaft, Arbeit und Infrastruktur, Referat Luftverkehr (Air Transport Section), Max-Reger-Straße 4-8, D-99096 Erfurt. Fax: (49-361) 37 97 609.

- 6. Financial compensation:** Tenders must explicitly state the amount of compensation required for the operation of the route for 3 years from the planned date of commencement of service (with an annual breakdown).
- 7. Duration, alteration and notice of termination of contract:** The contract commences on 29.10.2001 and expires at the latest at the end of the 2004 summer flight schedule.

The contract may only be altered if the changes are in agreement with the public service obligation published in the 'Official Journal of the European Communities' C 235 of 21.8.2001. Changes to the contract must be put in writing.

The contract may be terminated by either party subject to 6 months' notice. This is without prejudice to the right of extraordinary termination of contract without notice for serious reasons.

- 8. Failure to perform the contract/contractual penalties:** The air carrier is responsible for the proper fulfilment of its contractual obligations. In the event of failure to comply with, or incomplete performance of, the contractual obligations by the air carrier, the provider of the compensation is entitled to reduce the compensation payment proportionately. This may also apply where damage has been caused.

9. **Submission of tenders:** Tenders must be sent by registered letter, or delivered by hand with receipt, to the following address:

Thüringer Ministerium für Wirtschaft, Arbeit und Infrastruktur, Referat Luftverkehr (Air Transport Section), Max-Reger Str. 4-8, D-99096 Erfurt.

Tenders must be submitted within 1 month of the publication of this notice at the latest. All tenders must be submitted in quadruplicate.

10. **Validity of the invitation to tender:** The validity of this invitation to tender is subject to the condition that, by 28.9.2001, no EU carrier has applied for a licence to operate the air services concerned from 29.10.2001 in accordance with the public service obligation imposed without receipt of any financial compensation.

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