

F-Ajaccio: operation of scheduled air services

Invitation to tender issued by France pursuant to Article 4(1)(d) of Council Regulation (EEC) No 2408/92 for the operation of scheduled air services between Corsica and Paris (Orly), Marseille and Nice

(2005/C 159/14)

1. **Introduction:** In accordance with the decision of the Corsican regional authorities of 31.3.2005, France has decided to amend, from 30.10.2005, the public service obligations imposed on certain scheduled air services from Corsica pursuant to Article 4(1)(a) of Council Regulation (EEC) No 2408/92 of 23.7.1992 on access for Community air carriers to intra-Community air routes. The standards required by these new public service obligations were published in the *Official Journal of the European Union* C 159 of 30.6.2005.

Separate invitations to tender are being issued for each of the following routes:

- Ajaccio - Paris (Orly);
- Ajaccio - Marseille;
- Ajaccio - Nice;
- Bastia - Paris (Orly);
- Bastia - Marseille;
- Bastia - Nice;
- Calvi - Paris (Orly);
- Calvi - Marseille;
- Calvi - Nice;
- Figari - Paris (Orly);
- Figari - Marseille;
- Figari - Nice.

If on 30.9.2005 no air carrier has commenced or is about to commence operating scheduled air services in accordance with the public service obligation imposed on each of the above routes and without requesting financial compensation, France has decided, in accordance with the procedure laid down in Article 4(1)(d) of Regulation (EEC) No 2408/92, to limit access to each of these routes to a single air carrier and to offer the right to operate such services from 30.10.2005 by public tender.

Tenderers may present bids to operate several of the abovementioned routes, particularly where this results in a reduction in the overall compensation required.

However, they must set out clearly the amount of compensation required in respect of each route, where appropriate specifying different rates depending on which parts of their bid are accepted (in the event that they are awarded a contract covering some but not all of the routes for which they have bid).

2. **Subject of the invitations to tender:** For each of the routes listed in paragraph 1 above, the operation from 30.10.2005 of scheduled air services in accordance with the relevant public service obligation, as published in the *Official Journal of the European Union* C 159 of 30.6.2005.

3. **Participation in the tender procedure:** Participation is open to all Community air carriers who hold a valid operating licence issued in accordance with Council Regulation (EEC) No 2407/92 of 23.7.1992 on licensing of air carriers.

4. **Tender procedure:** Each invitation to tender is subject to the provisions of Article 4(1)(d), (e), (f), (g), (h) and (i) of Regulation (EEC) No 2408/92.

5. **Tender dossier:** The full tender dossier, including the public service delegation agreement and the specific rules for this invitation to tender, is obtainable free of charge from:

Office des transports de la Corse, 19, route de Sartène, Quartier Saint-Joseph, BP 501, F-20189 Ajaccio Cedex 1.

6. **Financial compensation:** Tenders must explicitly state the amount of compensation required for the operation of each route from 30.10.2005 until the day before the start of the 2008/2009 winter scheduling season, with 3 annual breakdowns for the following 12-month periods: one statement from the first day of the 2005/2006 winter scheduling season, i.e. 30.10.2005, to the day before the start of the 2006/2007 winter scheduling season, a second statement from the first day of the 2006/2007 winter scheduling season to the day before the start of the 2007/2008 winter scheduling season, and a third statement from the first day of the 2007/2008 winter scheduling season to the day before the start of the 2008/2009 winter scheduling season.

The exact amount of compensation finally granted will be determined for each of the 12-month periods ex-post on the basis of the documented costs and revenue actually generated by the service, within the limits of the amount given in the tender, which may not exceed the result of a calculation based on the maximum unit price per paying passenger on each route:

- EUR 33 for services between Paris (Orly) and airports in Corsica;
- EUR 27 for services between Marseille and Ajaccio or Bastia;

- EUR 50 for services between Nice and Ajaccio, Bastia or Figari;
 - EUR 55 for services between Marseille and Calvi or Figari;
 - EUR 70 for services between Nice and Calvi.
7. **Fares:** Tenders must indicate the proposed fare structure, which must comply with the public service obligations published in the *Official Journal of the European Union* C 159 of 30.6.2005.
8. **Duration, amendment and termination of the contract:** The contract will commence on 30.10.2005. It will end no later than the day before the start of the 2008/2009 winter scheduling season. The operation of the contracted services will be the subject of an annual examination in cooperation with the carrier during the 2 months following the anniversary of the starting date.
- Any amendment to the contract must comply with the public service obligations published in the *Official Journal of the European Union* C 159 of 30.6.2005. Any amendment to the contract will take the form of a supplementary agreement.
- The contract may be terminated by the carrier only after he has given 6 months' advance notice.
9. **Failure to honour the contract:** The carrier will be responsible for the proper performance of his obligations under the contract. In the event of failure to perform such obligations properly for reasons other than *force majeure*, i.e. abnormal and unforeseeable circumstances beyond his control which the carrier has been unable to overcome despite taking all reasonable measures to do so, the

contract may be terminated without advance notice by the Corsican Transport Board.

Failure to perform contractual obligations properly may give rise to the payment of damages and interest to compensate for the injury suffered by the island community. The amount of such damages shall be fixed by the competent courts.

Without prejudice to any claim for damages and interest, any interruption in services or improper performance of services will give rise to a reduction in the amount of financial compensation in proportion to the capacity lacking.

10. **Presentation of tenders:** Tenders must be handed in at the following address before 17.00 (local time):

Office des transports de la Corse, 19, route de Sartène, Quartier Saint-Joseph, F-20000 Ajaccio,

at the latest 5 weeks from the date of publication of this invitation to tender in the *Official Journal of the European Union*; a receipt must be obtained.

11. **Validity of the invitation to tender:** In accordance with the first sentence of Article 4(1)(d) of Regulation (EEC) No 2408/92, the validity of each of these invitations to tender is subject to the condition that no Community carrier presents by 30.9.2005 (one month being a reasonable period of advance notice) an operating schedule for the route in question from 30.10.2005 in accordance with the public service obligation imposed, without receiving any financial compensation, and without requiring access to this route to be limited to a single carrier.
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