

III

(Notices)

COMMISSION

F-Cayenne: 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 Cayenne on the one hand and Maripasoula, Saül and Grand-Santi via Saint-Laurent-du-Maroni on the other

(2006/C 11/16)

1. **Introduction:** Pursuant to 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, France has imposed public service obligations on scheduled air services between Cayenne on the one hand, and Maripasoula, Saül, and Grand-Santi via Saint-Laurent du Maroni on the other. The standards required by these public service obligations were published in the *Official Journal of the European Union* C 83 of 5.4.2005.

If on 1 May 2006 no air carrier has commenced or is about to commence operating scheduled air services in accordance with the public service obligations imposed and without requesting financial compensation, France has decided, in accordance with the procedure laid down in Article 4(1)(d) of the abovementioned Regulation, to limit access to a single carrier and to offer the right to operate such services from 1 June 2006 by 3 separate tenders. This date is provisional.

Separate invitations to tender are being issued for each of the 3 routes.

2. **Subject of the invitation to tender:** The operation from 1 June 2006 of scheduled air services on each of the following routes, in accordance with the public service obligations published in *Official Journal of the European Union* C 83 of 5.4.2005:

Cayenne — Maripasoula,

Cayenne — Saül,

Cayenne — Grand-Santi via Saint-Laurent du Maroni.

The start date for air services between Cayenne and Grand-Santi via Saint-Laurent du Maroni may be postponed depending on the date on which the airport at Grand-Santi is opened for the planned services.

Tenderers may present bids to operate several of the abovementioned routes, particularly where this results in a reduction in the overall compensation required. However, tenders must clearly indicate the amount of compensation required for each route, where appropriate showing any variations depending on how many of the carrier's bids are selected.

3. **Participation in the invitation to tender:** 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.

4. **Tender procedure and selection criteria:** Each of the 3 invitations to tender is subject to the provisions of Article 4(1)(d), (e), (f), (g), (h) and (i) of Regulation (EEC) No 2408/92, and to the provisions of Articles L. 1411-1 ff. of the General Local Authorities Code concerning Public Service Delegations and the texts implementing them (including Decree No 97-638 of 31 May 1997 implementing Law No 97-210 of 11 March 1997 on strengthening the fight against illegal employment).

First, the guarantees of professional competence and the financial guarantees of the applicant air carriers will be examined, as provided for in the third subparagraph of Article L. 1411-1 of the General Local Authorities Code. Next, carriers whose applications are accepted will be invited to present their tenders.

In accordance with the provisions of point (f) of Article 4(1) of Regulation (EEC) No 2408/92, the selection among the submissions shall be made taking into consideration the adequacy of the service, including the prices and conditions which can be quoted to users, and the cost of the compensation required.

5. **Tender dossier:** The full tender dossier, including the specific rules for these invitations to tender and the public service delegation agreement and its technical annex (text of the public service obligations published in the *Official Journal of the European Communities*) is obtainable free of charge from:

Conseil régional de la Guyane, direction du développement, de l'économie et de l'aménagement, service aménagement et développement du territoire, route de Montabo, rond point de Suzini, 3^{ème} étage, BP 7025, F-97307 Cayenne Cedex. Tel. (594) 27 11 93, fax (594) 27 12 88.

6. **Financial compensation:** The tenders submitted will specify the amount required by way of compensation for operating each service for 3 years from the scheduled start date (with an annual breakdown). The exact amount of compensation finally granted will be determined annually 'ex post' on the basis of the costs and revenue actually generated by the service, within the limits of the amount stated in the tender. This maximum limit may be revised only in the event of unforeseen changes 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 routes in question and verification that the service has been operated in accordance with the conditions laid down in point 8 below.

In the event of termination of the contract before its normal expiry date, point 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 agreement) is 3 years from the date scheduled for the commencement of the services.
8. **Verification of the operation of the service and of the carrier's accounts:** The operation of the service and the carrier's cost accounting for the routes in question will be examined at least once a year in cooperation with the carrier.
9. **Amendment and termination of the contract:** Where the carrier believes that unforeseen changes in the operating conditions justify revision of the maximum amount of financial compensation, it must present a reasoned

request to the other contracting parties, which must reach a decision within 2 months.

The contract may be cancelled by either contracting party before the end of the normal period of validity by giving 6 months' notice. In the event of serious breaches of the public service obligations, the carrier will 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 point 9 will be subject either to an administrative fine pursuant to Article R.330-20 of the Civil Aviation Code, or to a penalty calculated on the basis of the number of months of default and the real operating loss of the service during the year in question, not exceeding the maximum financial compensation provided for in point 6.

In the event of minor breaches of the public service obligations, the maximum financial compensation provided for in point 6 will be reduced, without prejudice to the application of the provisions of Article R.330-20 of the Civil Aviation Code. Such reductions will take account, as appropriate, of the number of flights cancelled for reasons directly attributable to the carrier, the number of flights made with less than the required capacity, the number of flights not complying with the public service obligations regarding stopovers and fares charged.

11. **Submission of tenders:** Tender dossiers, the content of which is specified in the specific rules for these invitations to tender, must reach the following address before 12.00 (local time):

Conseil régional de la Guyane, direction du développement, de l'économie et de l'aménagement, service aménagement et développement du territoire, route de Montabo, rond point de Suzini, 3^{ème} étage, BP 7025, F-97307 Cayenne Cedex. Tel.: (594) 27 11 93, fax: (594) 27 12 88,

at the latest 5 weeks after the date of publication of this invitation to tender in the *Official Journal of the European Union*, and must be sent by registered letter with acknowledgement of receipt (the date on the latter will serve as proof of the date of receipt) or delivered by hand (in which case a receipt must be obtained).

12. **Validity of the invitations to tender:** In accordance with 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 May 2006 a programme for operating the route in question from 1 June 2006 in accordance with the public service obligations imposed, without receiving any financial compensation.