

## V

(Announcements)

## ADMINISTRATIVE PROCEDURES

## COMMISSION

## P-Lisbon: Operation of scheduled air services

**Invitation to tender issued by Portugal under Article 4(1)(d) of Council Regulation (EEC) No 2408/92 in respect of the operation of scheduled air services between Funchal and Porto Santo**

(Text with EEA relevance)

(2007/C 25/04)

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, Portugal has decided to amend the public service obligation imposed in respect of scheduled air services operated between Funchal and Porto Santo.

If on 4 April 2007 no carrier has begun or is about to begin operating scheduled air services on the above-mentioned route in accordance with the public service obligation imposed and without requesting financial compensation, Portugal has decided, in accordance with the procedure laid down by Article 4(1)(d) of the above-mentioned Regulation, to limit access to that route to one carrier only and to offer by public tender the right to operate those services from 14 August 2007.

2. **Object of invitation to tender:** Operation from 14 August 2007 of scheduled air services between Funchal and Porto Santo in accordance with the public service obligation imposed on that route and published in *Official Journal of the European Union* C 24 of 2.2.2007.

Carriers' attention is drawn to the fact that, given the special nature of these services, they will have to demonstrate their capacity to operate the service in question with a cabin crew the majority of whom can speak and understand Portuguese.

3. **Participation:** All air carriers holding a valid operating licence issued by a Member State in accordance with Council Regulation (EEC) No 2407/92 of 23 July 1992 on licensing of air carriers, and an appropriate air carrier's certificate can operate these services.

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

5. **Tender dossier:** The complete tender dossier, comprising the specific rules governing the invitation to tender, may be obtained at the price of EUR 100 from: Instituto Nacional de Aviação Civil, Rua B, Edifícios 4, 5 e 6, Aeroporto da Portela 4, P-1749-034 Lisboa.

6. **Financial compensation:** Tenders submitted must explicitly indicate the amount required by way of compensation for operating the service for three years from the scheduled starting date (with an annual breakdown).

The exact amount of compensation finally granted will be determined annually ex-post on the basis of the proven costs and revenue actually generated by the service, within the limits of the amount given in the tender.

7. **Fares:** Tenderers' bids must indicate the planned fares, which must be in accordance with the public service obligations published in *Official Journal of the European Union* C 24 de 2.2.2007.

8. **Duration, amendment and termination of contract:** The contract will enter into force on 14 August 2007 and end on 13 August 2010. The performance of the contract will be subject to an annual examination, in cooperation with the carrier, during June and July. The amount of the financial compensation may be revised in the event of unforeseen changes in the operating conditions.

9. **Penalties:** Should the carrier be unable to operate the service owing to force majeure, the amount of the financial compensation may be reduced in proportion to the flights not operated.

Should the carrier fail to operate the service for reasons other than force majeure or if it fails to fulfil the public service obligations, the Portuguese authorities may:

- reduce the amount of the financial compensation in proportion to flights not operated;
- request explanations from the carrier and, should these prove unsatisfactory, terminate the contract without notice and claim compensation for damages.

10. **Submission of tenders:**

1. Bids must be submitted by 17.00 hours on the thirtieth day at the latest following publication of this invitation to tender in the *Official Journal of the European Union*.
2. Tenders may be delivered by hand against receipt — to the headquarters of the Instituto Nacional de Aviação

Civil, at Rua B, Edifícios 4,5, e 6 – Aeroporto da Portela 4 P-1749-034 Lisbon, between 09.00 and 17.00 hours, or sent by registered letter by the date and time laid down in paragraph 1 above.

11. **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 air carrier eligible to operate the service in question submits by 4 April 2007 an application to operate the routes in question as from 14 August 2007, in accordance with the public service obligation imposed, without receiving any financial compensation.

Where one or more carriers apply, by 4 April 2007, to operate these services, satisfying the public service obligation and without requesting compensation, this invitation to tender will lapse.