

## EUROPEAN ECONOMIC AREA

## EFTA SURVEILLANCE AUTHORITY

**Communication from the EFTA Surveillance Authority under Article 4.1(a) of the Act referred to in point 64a in Annex XIII of the EEA Agreement (Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes)**

**Imposition of new public service obligations in respect of scheduled air services on routes in Finnmark and North-Troms (Norway)**

(2006/C 199/06)

## 1. INTRODUCTION

Pursuant to Article 4.1 (a) of Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes, Norway has decided to impose public service obligations as of 1 April 2007 in respect of scheduled air services on the following routes:

1. Routes between Kirkenes, Vadsø, Vardø, Båtsfjord, Berlevåg, Mehamn, Honningsvåg, Hammerfest and Alta.
2. Hasvik — Tromsø v.v., Hasvik — Hammerfest v.v., Sørkjosen — Tromsø v.v.

## 2. DEFINITION

In this publication *single-carrier service* means that the carrier shall carry passengers along an entire route within the network encompassed by the public service obligations. Maximum travel time on each required single-carrier service is 3 hrs 30 mins from first departure to final arrival.

## 3. THE PUBLIC SERVICE OBLIGATIONS INCLUDE THE FOLLOWING SPECIFICATIONS FOR THE INDIVIDUAL ROUTE AREAS:

### 3.1 Routes between Kirkenes, Vadsø, Vardø, Båtsfjord, Berlevåg, Mehamn, Honningsvåg, Hammerfest and Alta

#### 3.1.1 *Minimum frequencies, seating capacity, routing and timetables*

#### **The following requirements apply to frequencies, seating capacity, routing and timetables**

- The requirements apply throughout the year.
- When connections with air services to and from Tromsø are required, schedules must allow passengers to travel to or from Tromsø with no more than one change of aircraft en route.
- Where requirements to seating capacity apply, the number of seats offered shall be adjusted in accordance with the rules laid down by the Ministry of Transport and Communications in Appendix A to this publication.
- Account shall be taken of the public demand for air travel.

**Requirements for Monday — Friday*****Alta***

- On Monday — Friday combined, the seating capacity offered shall be at least 550 seats both to and from Alta.
- Minimum one daily single-carrier return service to Kirkenes, with a maximum of one intermediate stop. First arrival in Kirkenes shall be no later than 9.00 hrs and last departure from Kirkenes no earlier than 14.00 hrs.
- Single-carrier services between other airports and Alta, as required in this publication.

***Hammerfest***

- A minimum of five daily departures and arrivals Monday — Friday.
- On Monday — Friday combined, the seating capacity offered shall be at least 750 seats both to and from Hammerfest.
- Minimum three single-carrier return services to Vadsø. In both directions first arrival shall be no later than 10.30 hrs and last departure no earlier than 18.30 hrs.
- Single-carrier return service to Kirkenes.
- Single-carrier services between other airports and Hammerfest, as required in this publication.

***Kirkenes***

- On Monday — Friday combined, the seating capacity offered shall be at least 750 seats both to and from Kirkenes.
- Single-carrier services between other airports and Kirkenes, as required in this publication.

***Vadsø***

- A minimum of nine daily departures and arrivals Monday — Friday.
- On Monday — Friday combined, the seating capacity offered shall be at least 1125 seats both to and from Vadsø.
- Minimum three single-carrier return services to Kirkenes, without intermediate stops. First arrival in Kirkenes shall be no later than 11.00 hrs and last departure from Kirkenes no earlier than 19.00 hrs. First arrival in Vadsø shall be no later than 11.30 hrs and last departure from Vadsø no earlier than 18.30 hrs.
- Minimum two single-carrier return services to Alta. First arrival in Vadsø shall be no later than 9.00 hrs. First arrival in Alta shall be no later than 10.30 hrs. Last departure shall be no earlier than 14.00 hrs from Vadsø and no earlier than 15.00 hrs from Alta.
- Single-carrier services between other airports and Vadsø, as required in this publication.

***Vardø***

- Minimum three single-carrier return services to Kirkenes. Last departure from Kirkenes shall be no earlier than six hours later than first arrival in Kirkenes.
- On Monday — Friday combined, the seating capacity offered shall be at least 200 seats both to and from Vadsø

**Båtsfjord**

A minimum of four daily departures and arrivals, ensuring the following:

- Minimum two single-carrier return services to Kirkenes. First arrival in Kirkenes shall be no later than 11.00 hrs and last departure from Kirkenes no earlier than 19.00 hrs.
- Minimum two single-carrier return services to Vadsø. First arrival in Vadsø shall be no later than 10.30 hrs and last departure from Vadsø no earlier than 18.30 hrs.
- Single-carrier return service to Hammerfest.
- The schedules must ensure connections with at least two air services both to and from Tromsø.

**Berlevåg**

A minimum of three daily departures and arrivals, ensuring the following:

- Single-carrier return service to Kirkenes. First arrival in Kirkenes no later than 11.00 hrs and last departure from Kirkenes no earlier than 19.00 hrs.
- Single-carrier return service to Vadsø. First arrival in Vadsø no later than 10.30 hrs and last departure from Vadsø no earlier than 18.30 hrs.
- Single-carrier return service to Hammerfest.
- The schedules must ensure connections with at least two air services both to and from Tromsø.

**Mehamn**

A minimum of four daily departures and arrivals, ensuring the following:

- Minimum two single-carrier return services to Hammerfest. First arrival in Hammerfest shall be no later than 08.30 hrs. In both directions last departure shall be no earlier than 17.00 hrs.
- Minimum two single-carrier return services to Vadsø. In both directions last departure shall be no earlier than 16.00 hrs.
- Single-carrier return service to Alta.
- Single-carrier return service to Kirkenes.
- The schedules must ensure connections with at least two air services both to and from Tromsø.

**Honningsvåg**

A minimum of four daily departures and arrivals, ensuring the following:

- Minimum two single-carrier return services to Hammerfest. First arrival in Hammerfest shall be no later than 08.30 hrs. In both directions last departure shall be no earlier than 17.00 hrs.
- Minimum two single-carrier return services to Vadsø. In both directions last departure shall be no earlier than 16.00 hrs.
- Single-carrier return service to Kirkenes.
- The schedules must ensure connections with at least two air services both to and from Tromsø.

**Requirements for Saturday — Sunday****The following requirements apply to Saturday and Sunday combined:**

- The capacity offered shall be at least 110 seats both to and from Alta, at least 150 seats both to and from Hammerfest, at least 150 seats both to and from Kirkenes and at least 225 seats both to and from Vadsø.
- Minimum number of departures and arrivals at least as on each day Monday — Friday for Hammerfest, Vadsø, Vardø, Båtsfjord, Berlevåg, Mehamn and Honningsvåg.
- Minimum two single-carrier return services Honningsvåg — Hammerfest.
- A minimum seating capacity of 40 seats shall be offered between Vardø and Kirkenes in both directions.
- Single-carrier return service to Vadsø from Båtsfjord, Berlevåg, Mehamn and Honningsvåg.
- Single-carrier return service to Hammerfest from Båtsfjord, Berlevåg and Mehamn.
- Single-carrier return service Vadsø — Alta.
- Single-carrier return service Kirkenes — Alta.
- Number of connections with air services to and from Tromsø at least as on each day Monday — Friday for Båtsfjord, Berlevåg, Mehamn and Honningsvåg.

**The following requirements apply to both Saturday and Sunday:**

- Departure and arrival at each of the airports Vadsø, Vardø, Båtsfjord, Berlevåg, Mehamn, Honningsvåg, Hammerfest, Kirkenes and Alta.
- Single-carrier return service Vadsø — Hammerfest.
- Single-carrier return service Vadsø — Kirkenes.
- Connection both to and from Tromsø for Båtsfjord, Berlevåg, Mehamn and Honningsvåg.

**3.1.2 Aircraft Category**

Aircraft registered for minimum 15 passengers shall be used for the required flights.

**3.2. Hasvik — Tromsø v.v., Hasvik — Hammerfest v.v., Sørkjosen — Tromsø v.v.****3.2.1 The following requirements apply to minimum frequencies, seating capacity, routing and timetables for Hasvik-Tromsø v.v. and Hasvik-Hammerfest v.v.**

The requirements apply throughout the year.

**Hasvik — Tromsø v.v.:**

- Minimum two daily return services Monday — Friday, of which at least one must be scheduled to connect with air services Tromsø — Oslo v.v.
- Minimum one return service on Sunday, scheduled to connect with air services Tromsø — Oslo v.v.

- On Monday — Friday first arrival in Tromsø shall be no later than 10.00 hrs and last departure from Tromsø no earlier than 13.30 hrs.
- In both directions at least one of the required daily flights Monday — Friday shall be non-stop. The remainder may have a maximum of two intermediate stops, of which one may be entailed by a change of aircraft provided that the connecting time does not exceed 45 minutes and that the carrier serves the entire route to and from Tromsø.

**Hasvik — Hammerfest v.v.:**

- Minimum one daily return service Monday — Friday, with first arrival in Hammerfest no later than 08.30 hrs and last departure from Hammerfest no earlier than 14.30 hrs.

*Seating Capacity:*

- On a weekly basis at least 120 seats shall be offered both to and from Hasvik on the Hasvik — Tromsø and Hasvik — Hammerfest routes combined.
- Seating capacity offered must be adjusted according to the decisions laid down by the Ministry of Transport and Communications in Annex A to this publication.

**3.2.2 The following requirements apply to minimum frequencies, seating capacity, routing and timetables for Sørkjosen — Tromsø v.v.**

The requirements apply throughout the year. A daily service obligation applies in both directions.

*Frequencies:*

- Minimum two daily return services Monday — Friday.
- Minimum two return services Saturday — Sunday combined.

*Seating Capacity:*

- In both directions at least 175 seats shall be offered Monday — Friday combined, and at least 35 seats Saturday — Sunday combined.
- Seating capacity offered must be adjusted according to the decisions laid down by the Ministry of Transport and Communications in Appendix A to this publication.

*Routing:*

- The required services must be non-stop.

*Timetables:*

The required services must be scheduled to connect with air routes Tromsø — Oslo v.v.

In addition, the following apply to the required flights on Monday — Friday:

- First arrival in Tromsø shall be no later than 09.30 hrs and last departure from Tromsø no earlier than 18.00 hrs.
- First departure from Tromsø shall be no later than 11.30 hrs and last departure from Sørkjosen no earlier than 17.00 hrs.

**3.2.3 Aircraft Category**

Aircraft registered for minimum 15 passengers shall be used for the required flights.

#### 4. THE FOLLOWING SPECIFICATIONS APPLY ON ALL ROUTES

##### 4.1 Technical and operative conditions

Carriers' attention is especially drawn to technical and operative conditions applying at the airports. For further information, please contact:

Luftfartstilsynet (Civil Aviation Authority),  
P O Box 243, N-8001 Bodø  
Telephone (47-7) 558 50 00

##### 4.2 Fares

The maximum basic fully flexible one-way fare (Maximum fare) in the operating year beginning 1 April 2007 must not exceed the following amounts in NOK.

To	Alta	Berlevåg	Båtsfjord	Hammerfest	Honningsvåg	Kirkenes	Mehamn	Vadsø	Vardø
From									
Alta	—	1 083	1 054	477	937	1 054	1 083	1 054	—
Berlevåg	1 083	—	384	953	642	760	384	642	—
Båtsfjord	1 054	384	—	953	760	642	477	598	—
Hammerfest	477	953	953	—	642	1 054	836	1 054	—
Honningsvåg	937	642	760	642	—	1 054	477	953	—
Kirkenes	1 054	760	642	1 054	1 054	—	905	384	505
Mehamn	1 083	384	477	836	477	905	—	792	—
Vadsø	1 054	642	598	1 054	953	384	792	—	—
Vardø	—	—	—	—	—	505	—	—	—

Maximum fare does not apply where such fare is not stated in the table.

Hasvik — Tromsø 1 018

Hasvik — Hammerfest 477

Sørkjosen — Tromsø 541

For each subsequent operating year the maximum fares shall be adjusted on 1 April within the limit of the consumer price index for the 12-month period ending 15 February the same year, as made public by Statistics Norway (<http://www.ssb.no>).

The carrier is responsible for making tickets available at a price not exceeding the maximum fare through all sales channels belonging to the carrier.

Maximum fare applies also to tickets offered by other companies operating within the concern of the carrier. The carrier is responsible for the compliance of the requirements by such companies.

The maximum fare shall include all taxes and fees to the authorities, and all other extra charges the carrier adds when issuing the tickets.

The carrier shall be party to the domestic interline agreements in force at any time, and shall offer all discounts available under such agreements.

#### 5. ADDITIONAL CONDITIONS FOLLOWING A TENDER PROCEDURE

Following a tender procedure, which limits access to the routes to one carrier, these conditions apply in addition:

##### Fares:

- All connecting fares to/from other air services shall be offered on equal terms for all carriers. Exempted from this are connecting fares to/from other services carried out by the tenderer, provided that the fare is maximum 40 per cent of the fully flexible fare.
- Bonus points from frequent flyer programmes can neither be earned nor redeemed on the flights.
- Social discounts shall be granted in accordance with the guidelines laid down by the Norwegian Ministry of Transport and published in Appendix B to this notification.

##### Transfer Conditions:

- All conditions set out by the carrier for the transfer of passengers to and from other carriers' routes, including connecting times and through check-in of tickets and baggage, shall be objective and non-discriminatory.

#### 6. REPLACEMENT AND LIFTING OF PREVIOUS PUBLIC SERVICE OBLIGATIONS

These public service obligations replace those previous published in *Official Journal of the European Communities* No C 294, of 4 December 2003, for:

- Routes between Kirkenes, Vadsø, Båtsfjord, Berlevåg, Mehamn, Honningsvåg, Hammerfest and Alta, and the route Vardø — Kirkenes v.v.
- Hasvik — Tromsø v.v., Hasvik — Hammerfest v.v., Sørkjosen — Tromsø v.v.

#### 7. INFORMATION

Further information can be obtained from:

The Ministry of Transport and Communications,  
PO Box 8010 Dep,  
N-0030 OSLO

Telephone (47) 22 24 83 53, facsimile (47) 22 24 56 09

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## APPENDIX A

**ADJUSTMENT OF PRODUCTION/AVAILABLE SEATS — PRODUCTION ADJUSTMENT CLAUSE****1. Purpose of the production adjustment clause**

The purpose of the production adjustment clause is to ensure that supplied capacity/seats offered by the operator is adjusted to changes in market demand. Whenever the number of passengers increases significantly and exceeds the following specified limits for the percentage of seats occupied at any time (the passenger load factor), the operator shall increase available seats offered. The operator may accordingly decrease available seats offered when the number of passengers decreases significantly. See specification below in 3.

**2. Periods for measuring passenger load factors**

The periods during which the passenger load factor shall be monitored and assessed range from 1 January to 30 June inclusive and 1 August to 30 November inclusive.

**3. Conditions for changing production/available seats offered****3.1 Conditions for increasing production**

3.1.1 An increase in production/available seats offered shall take place when the average passenger load factor on each single route encompassed by public service obligations is higher than 70 per cent. When the average passenger load factor on these routes exceeds 70 per cent in any of the periods mentioned in 2, the operator shall increase production/available seats offered by at least 10 per cent on these routes, at latest from the start of the following IATA traffic season. Production/available seats offered shall be increased at least so that the average passenger load factor does not exceed 70 per cent.

3.1.2 When increasing production/available seats offered according to the above, the new production may take place by using aircraft with lower seating capacity than specified in the original tender, if preferred by the operator.

**3.2 Conditions for decreasing production**

3.2.1 A decrease in production/available seats offered may take place when the average passenger load factor on each single route encompassed by public service obligations is lower than 35 per cent. When the average passenger load factor on these routes is lower than 35 per cent in any of the periods mentioned in 2, the operator may decrease production/available seats offered by no more than 25 per cent on these routes from the first day after the end of the above mentioned periods.

3.2.2 On routes with more than two daily frequencies offered in each direction, reduction in production according to 3.2.1 shall take place by reducing frequencies offered. The only exception from this is when the operator uses aircraft with larger seating capacity than the minimum specified in the imposition of public service obligations. The operator may then use smaller aircraft, however, not with lower seating capacity than the minimum specified in the imposition of public service obligations.

3.2.3 On routes with only one or two daily frequencies offered in each direction, reduction in available seats offered can only take place by using aircraft with lower seating capacity than specified in the imposition of public service obligations.

**4. Procedures for changes in production**

4.1 The Norwegian Ministry of Transport and Communications has the responsibility subject to law for approving proposed time schedules submitted by the operator, including changes in production. Reference is made to Circular N-3/2005 by the Norwegian Ministry of Transport and Communications, included in the tender file.

4.2 If production/available seats offered shall be reduced according to 3.2, a proposal for a new traffic program shall be circulated to the affected county councils, and these shall have sufficient time to make a statement before the change is put into effect. If the proposed new traffic program includes changes violating any other requirements than the number of flights and seat capacity, laid down in the public service obligations, the new traffic program must be sent to the Ministry of Transport and Communications for approval.



- 4.3 When production shall be increased according to 3.1, time schedules for new production/new seats should be agreed between the operator and the county (counties) as administrative unit affected.
- 4.4 If new production shall be offered according to 3.1, and the operator and the county (counties) as administrative unit affected cannot agree upon time schedules according to 4.3, the operator can seek approval according to 4.1 for a different time schedule for the new production/new seats offered from the Norwegian Ministry of Transport and Communications. This does not mean that the operator may apply for approval of a time schedule that does not include the required increase in production. There must exist substantial reasons for time schedules for new production/new seats diverging from those which could be agreed by the county (counties) as administrative unit affected according to 4.3, as a condition for the Ministry to approve such a proposal from the operator.

**5. Unchanged financial compensation when changing production**

- 5.1 The financial compensation to the operator remains unchanged when increasing production according to 3.1.
- 5.2 The financial compensation to the operator remains unchanged when decreasing production according to 3.2.
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## APPENDIX B

## PROVISION ON SOCIAL DISCOUNTS

1. On routes where the Norwegian Ministry of Transport and Communication purchases air services in accordance with public service obligations, social discount applies to the following groups of people:
    - a. Persons aged from 67 years at the day of departure,
    - b. Blind persons aged from 16 years,
    - c. Disabled persons aged from 16 years who receive pension according to the Norwegian act of 28 February 1997 on National insurance [Folketrygdloven], chapter 12, or similar law in any EEA country.
    - d. Students aged from 16 years attending special schools for people with hearing problems.
    - e. Accompanying spouse irrespective of age, or a person who has to accompany persons included in a) — d),
    - f. Travellers aged under 16 years at the day of departure
  2. The discount for people included in section 1 shall be 50 per cent. of maximum basic one-way fare.
  3. This discount is not applicable when the travel is paid for by the government and/or social security office. The person entitled to discount decides the need for escort.
  4. An adult (aged from 16 years) may carry a child aged under 2 years for free, provided that the child does not occupy its own seat and when travelling together on the entire journey.
  5. Following documents must be present at time of ticketing:
    - a) persons mentioned in section 1 letter a) must show an official document with picture and day of birth.
    - b) persons mentioned in section 1 letter b) and c) must provide proof of eligibility by means of official documentation from the Norwegian National insurance or 'Norges Blindeforbund'. Persons from other EEA countries must provide similar documentation from their home country.
    - c) persons mentioned in section 1 letter d) must present a student certificate and a letter from the social security office stating that the student is receiving pension according to the Norwegian National insurance act. Persons from other EEA countries must provide similar documentation from their home country.
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