

NOTICES CONCERNING THE EUROPEAN ECONOMIC AREA

EFTA SURVEILLANCE AUTHORITY

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

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

(2009/C 224/07)

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⁽¹⁾, Norway has decided to impose public service obligations as of 1 April 2010 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. THE FOLLOWING SPECIFICATIONS APPLY TO THE INDIVIDUAL ROUTES

2.1. Routes between Kirkenes, Vadsø, Vardø, Båtsfjord, Berlevåg, Mehamn, Honningsvåg, Hammerfest and Alta*2.1.1. Minimum frequencies, seating capacity, routing and timetables*

General requirements

- The requirements apply throughout the year.
- Where a single-carrier service is required, the passengers shall be transported the whole distance within the route network encompassed by the public service obligations. Maximum travel time on every required single-carrier service shall be three and a half hours from first departure to last arrival.
- 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.

⁽¹⁾ Regulation (EEC) No 2408/92 has been replaced by Regulation (EC) No 1008/2008 of the European Parliament and of the Council. Regulation (EC) No 1008/2008 has not been included in the EEA Agreement. Legal authority for this tender is therefore Regulation (EEC) No 2408/92 that is in force as Norwegian regulation.

- 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 hours and last departure from Kirkenes no earlier than 14.00 hours.
- 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 hours and last departure no earlier than 18.30 hours.
- 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 1 125 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 hours and last departure from Kirkenes no earlier than 19.00 hours. First arrival in Vadsø shall be no later than 11.30 hours and last departure from Vadsø no earlier than 18.30 hours.
- Minimum two single-carrier return services to Alta. First arrival in Vadsø shall be no later than 10.00 hours. First arrival in Alta shall be no later than 10.30 hours. Last departure shall be no earlier than 14.00 hours from Vadsø and no earlier than 15.00 hours 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.

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 hours and last departure from Kirkenes no earlier than 19.00 hours,
- minimum two single-carrier return services to Vadsø. First arrival in Vadsø shall be no later than 10.30 hours and last departure from Vadsø no earlier than 18.30 hours,
- 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 hours and last departure from Kirkenes no earlier than 19.00 hours,

- single-carrier return service to Vadsø. First arrival in Vadsø no later than 10.30 hours and last departure from Vadsø no earlier than 18.30 hours,
- 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 8.30 hours. In both directions last departure shall be no earlier than 17.00 hours,
- minimum two single-carrier return services to Vadsø. In both directions last departure shall be no earlier than 16.00 hours,
- 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 8.30 hours. In both directions last departure shall be no earlier than 17.00 hours,
- minimum two single-carrier return services to Vadsø. In both directions last departure shall be no earlier than 16.00 hours,
- 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,
- 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.

2.1.2. Aircraft category

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

2.2. Hasvik–Tromsø v.v., Hasvik–Hammerfest v.v., Sørkjosen–Tromsø v.v.

2.2.1. *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 hours and last departure from Tromsø no earlier than 13.30 hours,
- 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 8.30 hours and last departure from Hammerfest no earlier than 14.30 hours.

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,
- 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.

2.2.2. *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 190 seats shall be offered Monday-Friday combined, and at least 35 seats Saturday-Sunday combined,
- 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.

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 9.30 hours and last departure from Tromsø no earlier than 19.00 hours,
- first departure from Tromsø shall be no later than 11.30 hours and last departure from Sørkjosen no earlier than 17.00 hours.

2.2.3. Aircraft category

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

3. THE FOLLOWING SPECIFICATIONS APPLY ON ALL ROUTES

3.1. 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)
PO Box 243
8001 Bodø
NORWAY

Tel. +47 75585000

3.2. Fares

The maximum basic fully flexible one-way fare (maximum fare) in the operating year beginning 1 April 2010 must not exceed the following amounts in NOK.

To	Alta	Berlevåg	Båtsfjord	Hammerfest	Honningsvåg	Kirkenes	Mehamn	Vadsø	Vardø
From									
Alta	—	1 180	1 149	519	1 021	1 149	1 180	1 149	—
Berlevåg	1 180	—	418	1 039	700	827	418	700	—
Båtsfjord	1 149	418	—	1 039	827	700	519	651	—
Hammerfest	519	1 039	1 039	—	700	1 149	911	1 149	—
Honningsvåg	1 021	700	827	700	—	1 149	519	1 039	—
Kirkenes	1 149	827	700	1 149	1 149	—	986	418	550
Mehamn	1 180	418	519	911	519	986	—	863	—
Vadsø	1 149	700	651	1 149	1 039	418	863	—	—
Vardø	—	—	—	—	—	550	—	—	—

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

Hasvik–Tromsø	1 109
Hasvik–Hammerfest	519
Sørkjosen–Tromsø	590

For each subsequent operating year the maximum fare 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 shall offer tickets through at least one sales channel belonging to the carrier. 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 controlled by the carrier. The carrier is responsible for the compliance of the maximum fare by such companies.

The maximum fare shall include all taxes and fees to the authorities, and all other extra charges (service-fees etc.) the carrier adds on 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.

The carrier shall offer tickets through a Computer Reservation System (CRS).

4. 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 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.

5. REPLACEMENT AND LIFTING OF PREVIOUS PUBLIC SERVICE OBLIGATIONS

These public service obligations replace those previous published in the *Official Journal of the European Union* C 199 and the *EEA Supplement* No 160 of 24 August 2006 for:

- routes between Kirkenes, Vadsø, Vardø, Båtsfjord, Berlevåg, Mehamn, Honningsvåg, Hammerfest and Alta,
- Hasvik–Tromsø v.v., Hasvik–Hammerfest v.v., Sørkjosen–Tromsø v.v.

6. INFORMATION

Further information can be obtained from:

The Ministry of Transport and Communications
PO Box 8010 Dep
0030 Oslo
NORWAY

Tel. +47 22248353
Fax +47 22245609

Appendix A

THE 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 point 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 80 per cent. When the average passenger load factor on these routes exceeds 80 per cent in any of the periods mentioned in point 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 80 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 point 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 point 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, even if this involves reduced 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 for approving proposed time schedules submitted by the operator, including changes in production/number of provided seats. 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 point 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/number of provided seats shall be increased according to point 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/number of provided seats shall be offered according to point 3.1, and the operator and the county (counties) as administrative unit affected cannot agree upon time schedules according to point 4.3, the operator can seek approval according to point 4.1 for a different time schedule for the new production/provided seats 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 if the Ministry shall approve proposals that diverge from those which could be agreed by the counties.
 5. **Unchanged financial compensation when changing production**
 - 5.1. The financial compensation to the operator remains unchanged when increasing production according to point 3.1.
 - 5.2. The financial compensation to the operator remains unchanged when decreasing production according to point 3.2.
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*Appendix B***PROVISIONS ON SOCIAL DISCOUNTS**

1. On routes where the Norwegian Ministry of Transport and Communication purchases air services in accordance with the public service obligations, the following groups of people are entitled to social discounts:
 - (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 disability pension according to the Norwegian act No 19 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) accompany spouse/partner irrespective of age, or a person who has to accompany persons included in (a)-(d). The person entitled to discount decides the need for escort;
 - (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 the maximum fare.
 3. This discount is not applicable when the travel is paid for by the government and/or social security office.
 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 may be required by the passenger:
 - (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 Blindforbund'. 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 act of National insurance. Persons from other EEA countries must provide similar documentation from their home country.
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