

## Commission notice pursuant to Article 4(1)(a) of Council Regulation (EEC) No 2408/92

### Imposition of public service obligations in respect of scheduled air services within Italy

(2002/C 119/08)

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, the Italian Government, in accordance with the decisions taken at the Conferences of services held by the Region of Sicily, has decided to impose public service obligations in respect of scheduled air services operated on the following routes:

#### 1. Routes concerned:

- Pantelleria–Trapani and vice versa,
- Lampedusa–Trapani and vice versa,
- Pantelleria–Palermo and vice versa,
- Lampedusa–Palermo and vice versa,
- Lampedusa–Catania and vice versa,
- Trapani–Rome–Milan and vice versa,
- Trapani–Bari–Venice and vice versa,
- Trapani–Catania and vice versa.

1.1. Pursuant to Article 9 of Council Regulation (EEC) No 95/93 of 18 January 1993 on common rules for the allocation of slots at Community airports, the competent authorities may reserve slots at the airports concerned subject to the coordination system.

#### 2. The public service obligations in question are as follows:

##### 2.1. Minimum frequency

(a) Pantelleria–Trapani and vice versa:

- at least two outward and two return flights from 1 October to 31 May and three outward and three return flights from 1 June to 30 September and during the Easter and Christmas holiday periods;

(b) Lampedusa–Trapani and vice versa:

- at least one outward and one return flight from 1 October to 31 May and two outward and two return flights from 1 June to 30 September;

(c) Pantelleria–Palermo and vice versa:

- at least two outward and two return flights all year round;

(d) Lampedusa–Palermo and vice versa:

- at least two outward and two return flights from 1 October to 31 May and three outward and three return flights from 1 June to 30 September;

(e) Lampedusa–Catania and vice versa:

- at least one outward and one return flight all year round;

(f) Trapani–Rome–Milano and vice-versa:

- at least two outward and two return flights from 16 September to 14 June and three outward and three return flights from 15 June to 15 September;

(g) Trapani–Bari–Venice and vice versa:

- at least one outward and one return flight all year round;

(h) Trapani–Catania and vice versa:

- at least one outward and one return flight all year round.

##### 2.2. Timetables

For the routes Pantelleria–Trapani and vice versa, Pantelleria–Palermo and vice versa, Lampedusa–Palermo and vice versa, Trapani–Lampedusa and vice versa, Trapani–Rome–Milan and vice versa, Trapani–Bari–Venice and vice versa, timetables must include an early morning outward flight (6.00-9.00) and a late evening return flight (18.00-21.00) to enable business travellers to make a round trip the same day, unless there are operational restrictions in specific airports.

For the other routes (Trapani–Catania and vice versa and Lampedusa–Catania and vice versa) timetables must allow for connections with scheduled national and international air services stopping at Catania.

##### 2.3. Type and capacity of aircraft used

The aircraft used within the guaranteed time periods must have at least 100 seats on the Trapani–Rome–Milan and Trapani–Bari–Venice routes and at least 40 seats on the other routes. Alternatively, aircraft of other capacities may be used if equivalent annual capacity is provided in the guaranteed time periods even by adapting frequencies.

#### 2.4. Fares

Maximum fares net of VAT and airport taxes are as follows:

- Pantelleria–Trapani and vice versa: EUR 15,49,
- Lampedusa–Trapani and vice versa: EUR 18,08,
- Pantelleria–Palermo and vice versa: EUR 18,08,
- Lampedusa–Palermo and vice versa: EUR 20,66,
- Lampedusa–Catania and vice versa: EUR 18,08,
- Trapani–Milan and vice versa (via Rome): EUR 56,81,
- Trapani–Venice and vice versa (via Bari): EUR 56,81,
- Trapani–Rome and vice versa: EUR 38,73,
- Trapani–Bari and vice versa: EUR 36,15,
- Trapani–Catania and vice versa: EUR 18,08.

No fare restrictions apply to the routes between Rome–Milan and vice versa or Bari–Venice and vice versa.

Every year the competent authorities will adjust the maximum fares in accordance with the rate of inflation of the previous year and the ISTAT general index of consumer prices.

If the average recorded in each half-year of the EUR/USD exchange rate and/or the cost of aviation changes by more than 5 %, fares must be adjusted in proportion to the change recorded.

Six-monthly fare adjustments are made by the Minister for Infrastructure and Transport, in agreement with the President of the Sicilian Region, on the basis of a report by a joint technical committee, composed of one representative appointed by the ENAC and one representative appointed by the Sicilian Region, which must consult the carriers operating the routes concerned.

Any adjustment will enter into force as of the next half-year.

Adjustments must be notified to all carriers operating the services in question, and to the European Commission for publication in the *Official Journal of the European Communities*.

#### 2.5. Continuity of service

Except in cases of *force majeure*, the number of flights cancelled for reasons directly attributable to the carrier must not exceed 1 % of the number of flights scheduled in any IATA scheduling season.

The carrier must provide these services for at least 12 consecutive months and give at least six months' notice before discontinuing them.

3. Any carrier operating the routes in question who fails to comply with the public service obligations described above will be liable to penalties imposed by the administrative authorities and/or courts.