

English edition

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Commission

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⁽¹⁾ Text with EEA relevance

I

(Information)

COMMISSION

Euro exchange rates ⁽¹⁾**3 May 2002**

(2002/C 108/01)

1 euro	=	7,4334	Danish krone
	=	9,2645	Swedish krona
	=	0,6192	Pound sterling
	=	0,9083	United States dollar
	=	1,4165	Canadian dollar
	=	115,55	Japanese yen
	=	1,4548	Swiss franc
	=	7,5645	Norwegian krone
	=	83,85	Icelandic króna ⁽²⁾
	=	1,6876	Australian dollar
	=	2,0284	New Zealand dollar
	=	9,5272	South African rand ⁽²⁾

⁽¹⁾ Source: reference exchange rate published by the ECB.

⁽²⁾ Source: Commission.

Authorisation for State aid pursuant to Articles 87 and 88 of the EC Treaty

Cases where the Commission raises no objections

(2002/C 108/02)

(Text with EEA relevance)

Date of adoption of the decision: 11.7.2001

Member State: Greece

Aid No: E 4/2000

Title: Taxation of foreign commercial and industrial firms covered by Act No 89/67

Objective: To encourage the establishment of offices of foreign companies in Greece for the purpose of monitoring their business activities outside Greece

Legal basis: Νόμος αριθ. 89/67 αναφορικά με τη σύσταση στην Ελλάδα ξένων εμπορικών και βιομηχανικών επιχειρήσεων

Duration: Unlimited

Other information:

— Pursuant to Article 88(1) of the EC Treaty, the Commission has decided to propose appropriate measures in respect of aid scheme No E 4/2000 granted by Greece. Greece has accepted these measures

— Enterprises approved under Act No 89/67 are exempt from corporation tax and other direct taxes. The appropriate measures include closure of the scheme to new entrants and the ending of benefits under the scheme by the end of 2005

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

http://europa.eu.int/comm/secretariat_general/sgb/state_aids

Date of adoption of the decision: 19.9.2001

Member State: Germany

Aid No: N 387/01

Title: Subsidies for the regeneration of waste oils

Objective: Compensation for the regeneration of waste oils

Legal basis: Richtlinie zur Förderung der Aufarbeitung von Altöl zu Basisöl

Budget: DEM 20 million (EUR 10,226 million)

Aid intensity or amount: Operating aid to cover actual losses for a service rendered

Duration: 2007

Other information: The Commission requests the German authorities to submit an annual report on the application of the scheme

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

http://europa.eu.int/comm/secretariat_general/sgb/state_aids

Date of adoption of the decision: 12.3.2002

Member State: Austria (Steiermark)

Aid No: NN 131/2000

Title: Investment aid to Böhler Bleche GmbH, ECSC steel

Objective: ECSC steel

Budget: EUR 4 402 760

Other information: All the aid has been recovered accrued with the due interests. Recovered aid: EUR 3 781 591. Interests paid on the aid received: EUR 621 169

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

http://europa.eu.int/comm/secretariat_general/sgb/state_aids

Date of adoption of the decision: 23.10.2001

Treasury, AON Limited, Willis Faber Limited, Global Aerospace Underwriting Limited and Alnery No 2190 Limited

Member State: United Kingdom

Budget: Guarantee and premium entered into the regulatory capital of an insurer

Aid No: NN 90/01

Duration: 30 days

Title: Airline insurance

Other information: Re-notification for any extension or modification of the scheme

Objective: Continued provision of insurance cover to air carriers and service providers in the UK for certain war and terrorist-related risks, following the attacks in the USA on 11 September 2001

The authentic text(s) of the decision, from which all confidential information has been removed, can be found at

Legal basis: 'Relationship agreement' signed on 23 September 2001 between The Lords Commissioners of Her Majesty's

http://europa.eu.int/comm/secretariat_general/sgb/state_aids

Implementation of Articles 3(4) and 4(4) of Council Regulation (EC) No 82/2001 of 5 December 2000 concerning the definition of the concept of 'originating products' and methods of administrative cooperation in trade between the customs territory of the Community and Ceuta and Melilla

List of countries and the date on which the cumulation either in the Community or in Ceuta and Melilla may be applied

(2002/C 108/03)

Articles 3 and 4 of Council Regulation (EC) No 82/2001 of 5 December 2000 concerning the definition of the concept of 'originating products' and methods of administrative cooperation in trade between the customs territory of the Community and Ceuta and Melilla (published in OJ L 20, 20.1.2001) have introduced a possibility of cumulation of origin between the Community, Ceuta and Melilla or any other country with which the Community has signed a reciprocal agreement whose protocol on rules of origin lays down special provisions for Ceuta and Melilla.

Articles 3(4) and 4(4) provide for a publication by the Commission of the list of countries and the date on which such a cumulation may be applied.

The countries concerned are mentioned, by cumulation zone, in the following table. Cumulation between the Community, Ceuta and Melilla, and one or several of those countries may be applied only in the framework of one single cumulation zone which the Community belongs to and according to the cumulation system and the rules of origin to be applied by the countries of this zone. It means that exporters either from Ceuta and Melilla or from the Community have to choose only one cumulation system for those products obtained, either in Ceuta and Melilla or in the Community, from materials originating in different partner countries ⁽¹⁾.

The countries with which the Community has preferential agreements but have not signed on a reciprocal basis and/or whose protocols on rules of origin do not include special provisions for Ceuta and Melilla are not mentioned in the list.

⁽¹⁾ Example: Carpets produced in Melilla, using Moroccan textile pulps and Polish natural fibres cannot take benefit simultaneously of 'PanEuropean' diagonal cumulation and full cumulation with Morocco. The exporter to EU should choose between applying cumulation to Moroccan textile pulps and considering Polish fibres as non-originating or applying cumulation to the Polish natural fibres and considering Moroccan textile pulps as non-originating.

This cumulation shall apply from 23 January 2001, date of application of the Council Regulation, except for the former Yugoslav Republic of Macedonia, (1 June 2001), and for the Republic of Croatia (1 January 2002).

Cumulation zone	Cumulation system	Country or group of countries
1	Full	EEA
2	Diagonal ^(a)	Bulgaria
		Switzerland (including Liechtenstein)
		Czech Republic
		Estonia
		Hungary
		Iceland
		Lithuania
		Latvia
		Norway
		Poland
		Romania
		Slovenia
		Slovak Republic
		Turkey ^(b)
3	Bilateral	Faeroe Islands
4	Bilateral	Cyprus
5	Bilateral	Former Yugoslav Republic of Macedonia
6	Bilateral	Croatia
7	Bilateral	Malta
8	Bilateral	Turkey ^(c)
9	Full	Morocco
		Tunisia
10	Bilateral	Israel
11	Bilateral	Palestinian Authority of the West Bank and the Gaza Strip
12	Bilateral	Mexico
13	Bilateral	South Africa

^(a) Also included in this diagonal cumulation, through Joint Declarations attached to the origin Protocol of the Agreements, are Andorra (except for products of Chapters HS 1 to 24) and San Marino.

^(b) Except for products originating in Turkey which are mentioned in the list of Annex V to the origin Protocol of the Agreements concluded between the EC and the other countries involved in the diagonal cumulation.

^(c) For agricultural products under Decision 1/98 of the EC-Turkey Association Council.

Notice as provided for in Article 7(8) of Regulation (EC) No 1148/2001 relating to the establishment of administrative cooperation between Hungary and the European Community

Published under Article 7(8) of Commission Regulation (EC) No 1148/2001 (OJ L 156, 13.6.2001, p. 9)

(2002/C 108/04)

The Commission hereby states that the Republic of Hungary has sent it all the relevant information on checking operations under the administrative cooperation provided for in Article 7(8) of Commission Regulation (EC) No 1148/2001, as amended by Regulation (EC) No 2379/2001, and established between the Republic of Hungary and the European Community.

In accordance with Article 4 thereof, Commission Regulation (EC) No 2387/2001 shall enter into force on the date this Notice is published in the C Series of the *Official Journal of the European Communities*.

Notice as provided for in Article 7(8) of Commission Regulation (EC) No 1148/2001 relating to the establishment of administrative cooperation between Switzerland and the European Community

Published under Article 7(8) of Regulation (EC) No 1148/2001 (OJ L 156, 13.6.2001, p. 9)

(2002/C 108/05)

The Commission hereby states that Switzerland has sent it all the relevant information on checking operations under the administrative cooperation provided for in Article 7(8) of Commission Regulation (EC) No 1148/2001, as amended by Regulation (EC) No 2379/2001, and established between Switzerland and the European Community.

In accordance with Article 4 thereof, Commission Regulation (EC) No 2590/2001 shall enter into force on the date this Notice is published in the C Series of the *Official Journal of the European Communities*.

Prior notification of a concentration**(Case COMP/M.2823 — Bank One Corporation/Howaldtswerke-Deutsche Werft AG)****Candidate case for simplified procedure**

(2002/C 108/06)

(Text with EEA relevance)

1. On 25 April 2002 the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾, as last amended by Regulation (EC) No 1310/97 ⁽²⁾, by which the undertaking Bank One Corporation (Bank One) of the United States of America, acquires within the meaning of Article 3(1)(b) of that Regulation joint control of the undertaking Howaldtswerke-Deutsche Werft AG (HDW), Germany by way of purchase of shares.

2. The business activities of the undertakings concerned are:

— Bank One: financial services,

— HDW: construction of submarines, naval surface vessels and ship repair services.

3. On preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Regulation (EEC) No 4064/89 ⁽³⁾, it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference COMP/M.2823 — Bank One Corporation/Howaldtswerke-Deutsche Werft AG, to:

European Commission,
Directorat-General for Competition,
Directorate B — Merger Task Force,
J-70,
B-1049 Brussels

⁽¹⁾ OJ L 395, 30.12.1989, p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.

⁽²⁾ OJ L 180, 9.7.1997, p. 1; corrigendum: OJ L 40, 13.2.1998, p. 17.

⁽³⁾ OJ C 217, 29.7.2000, p. 32.

Prior notification of a concentration**(Case COMP/M.2788 — New Holding for Tourism BV/Preussag AG/Neos JV)****Candidate case for simplified procedure**

(2002/C 108/07)

(Text with EEA relevance)

1. On 25 April 2002 the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾, as last amended by Regulation (EC) No 1310/97 ⁽²⁾, by which the German undertaking Preussag AG (Preussag) acquires within the meaning of Article 3(1)(b) of that Regulation joint control of the undertaking Neos SpA (Neos) currently controlled by NHT New Holding for Tourism BV (NHT), a Dutch subholding of Giovanni Agnelli & C Sapar by way of purchase of shares in a newly created company constituting a joint venture.

2. The business activities of the undertakings concerned are:

- Preussag: tourism, logistics and energy,
- NHT: several economic sectors including tourism,
- Neos: charter airline.

3. On preliminary examination, the Commission finds that the notified concentration could fall within the scope of Regulation (EEC) No 4064/89. However, the final decision on this point is reserved. Pursuant to the Commission Notice on a simplified procedure for treatment of certain concentrations under Regulation (EEC) No 4064/89 ⁽³⁾, it should be noted that this case is a candidate for treatment under the procedure set out in the Notice.

4. The Commission invites interested third parties to submit their possible observations on the proposed operation.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference COMP/M.2788 — New Holding for Tourism BV/Preussag AG/Neos JV, to:

European Commission,
Directorat-General for Competition,
Directorate B — Merger Task Force,
J-70,
B-1049 Brussels

⁽¹⁾ OJ L 395, 30.12.1989, p. 1; corrigendum: OJ L 257, 21.9.1990, p. 13.

⁽²⁾ OJ L 180, 9.7.1997, p. 1; corrigendum: OJ L 40, 13.2.1998, p. 17.

⁽³⁾ OJ C 217, 29.7.2000, p. 32.

Non-opposition to a notified concentration**(Case COMP/M.2770 — First Aqua Holding Ltd/Southern Water plc)**

(2002/C 108/08)

(Text with EEA relevance)

On 23 April 2002 the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CEN' version of the CELEX database, under document No 302M2770. CELEX is the computerised documentation system of European Community law.

For more information concerning subscriptions please contact:

EUR-OP,
Information, Marketing and Public Relations,
2, rue Mercier,
L-2985 Luxembourg.
Tel. (352) 29 29 427 18, fax (352) 29 29 427 09.

Non-opposition to a notified concentration**(Case COMP/M.2784 — Jabil/Alcatel)**

(2002/C 108/09)

(Text with EEA relevance)

On 24 April 2002 the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
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L-2985 Luxembourg.
Tel. (352) 29 29 427 18, fax (352) 29 29 427 09.

Non-opposition to a notified concentration**(Case COMP/M.2789 — RWE Power/Lucchini/Elettra GLL JV)**

(2002/C 108/10)

(Text with EEA relevance)

On 26 April 2002 the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CEN' version of the CELEX database, under document No 302M2789. CELEX is the computerised documentation system of European Community law.

For more information concerning subscriptions please contact:

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L-2985 Luxembourg.
Tel. (352) 29 29 427 18, fax (352) 29 29 427 09.

Non-opposition to a notified concentration**(Case COMP/M.2759 — Industri Kapital/Gardena)**

(2002/C 108/11)

(Text with EEA relevance)

On 26 April 2002 the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
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Information, Marketing and Public Relations,
2, rue Mercier,
L-2985 Luxembourg.
Tel. (352) 29 29 427 18, fax (352) 29 29 427 09.

Non-opposition to a notified concentration**(Case COMP/M.2755 — Saubermacher/Lafarge Perlmooser/JV)**

(2002/C 108/12)

(Text with EEA relevance)

On 23 April 2002 the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in German and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CDE' version of the CELEX database, under document No 302M2755. CELEX is the computerised documentation system of European Community law.

For more information concerning subscriptions please contact:

EUR-OP,
Information, Marketing and Public Relations,
2, rue Mercier,
L-2985 Luxembourg,
Tel. (352) 29 29 427 18, fax (352) 29 29 427 09.

III

(Notices)

COMMISSION

Operation of scheduled air services

Invitation to tender issued by the National Public Transport Agency (Rikstrafiken) pursuant to Article 4(1)(d) of Council Regulation (EEC) No 2408/92 concerning the operation of scheduled air services on the following routes:

Arvidsjaur–Arlanda/Stockholm

Gällivare–Arlanda/Stockholm

Hagfors–Arlanda/Stockholm

Hemavan–Arlanda/Stockholm

Lycksele–Arlanda/Stockholm

Storuman (Gunnarn)–Arlanda/Stockholm

Sveg–Arlanda/Stockholm

Torsby–Arlanda/Stockholm

Vilhelmina–Arlanda/Stockholm and

Pajala–Luleå

(2002/C 108/13)

(Text with EEA relevance)

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, Sweden has decided to impose a public service obligation in respect of scheduled air services operated on the above routes.

The details of this public service obligation were published in *Official Journal of the European Communities* C 106 of 3.5.2002.

Insofar as no air carrier has commenced or is about to commence scheduled air services in accordance with the public service obligation imposed and without requesting financial compensation, Sweden has decided to limit access to a single air carrier. The right to operate services on one or more of the routes in question will be offered by public tender in accordance with the procedure laid down by Article 4(1) (d) of the Regulation. On 10 January 2002, the Swedish Government instructed the National Public Transport Agency to proceed with the invitation to tender.

2. **Object of invitation to tender:** Operation from 27 October 2002 of scheduled air services on the above

routes in accordance with the public service obligation published in *Official Journal of the European Communities* C 106 of 3.5.2002.

Tenders may be submitted for one or more of the above routes. It is permissible to combine service obligations in a joint tender so that one route to/from Stockholm/Arlanda serves 2 of the specified destinations/airports. Only destinations/airports covered by the public service obligation published in *Official Journal of the European Communities* C 106 of 3.5.2002 may be combined in this way. Parties wishing to submit a joint tender for two or more of the routes concerned must include in their tender separate bids for each route which clearly show the amount of financial compensation requested for each individual route. In the case of a joint tender, the bidder must also the amount requested in financial compensation for different combinations of routes.

3. **Participation:** 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. **Procedure:** This invitation to tender is subject to Article 4 (1) (d) of Council Regulation (EEC) No 2408/92.

The tender is binding on the bidder until 30 November 2002.

5. **Tender dossier:** The complete tender dossier comprising the specific rules governing the invitation to tender, contract terms, description of the public service obligation, destination details, quality specifications and the tender form can be obtained free of charge from:

Rikstrafiken, Box 473, S-85106 Sundsvall, or from:
registrator@rikstrafiken.se, tel.: (46) 60 67 82 50, fax:
(46) 60 67 82 51.

6. **Financial compensation:** The tender must clearly indicate the amount in Swedish krona — together with an annual breakdown — which is required to operate the route for 3 years with effect from 27 October 2002. The specified amount of compensation must be based on an assessment of the costs and revenue relating to the activity and on the minimum requirements which the public service obligation involves. Compensation will be granted only for air transport and relevant costs arising at Arlanda airport which are directly attributable to the service in question. Compensation will not be paid for costs which are attributable to other airports, such as take-off and landing fees.

All compensation under the contract will be in Swedish krona.

7. **Ticket prices:** The tender must indicate the proposed ticket prices and the conditions for their issue. The ticket prices must conform to the public service obligation published in *Official Journal of the European Communities* C 106 of 3.5.2002.
8. **Duration of contract:** The contract term covers the period from contract signature by both parties to the delivery by the air carrier, in accordance with the tender documents, of a final quality report to the National Public Transport Agency after the last year of operation, which is 2005.
- The service obligation on all routes will begin on 27 October 2002 and end on 26 October 2005 at the latest.
9. **Contract amendment and termination:** The contract may be amended only if the changes conform to the

public service obligation published in *Official Journal of the European Communities* C 106 of 3.5.2002. Any changes to the contract must be made in writing. Either party may terminate the contract, subject to 6 months' notice. This is without prejudice to the right to terminate the contract in special cases for important reasons.

10. **Penalties for failure to fulfil the contract:** The air carrier is responsible for performance of its contractual obligations. In the event of failure to perform, or incomplete performance of, the contract by the air carrier for reasons of its own doing, the procurer is entitled to reduce the compensation payment proportionately. The procurer reserves the right to claim damages.

11. **Final date for submission of tenders:** Tenders must be submitted no later than 31 calendar days after the publication of this notice in the 'Supplement to the *Official Journal of the European Communities*'.

12. **Submission of tenders:** Tenders must be delivered to the National Public Transport Agency no later than the date stipulated in point 11. Tenders must be marked 'Invitation to tender for air services, reference number Rt 2002-41/31' and with the bidder's name. They may be sent by post or messenger or delivered personally to the National Public Transport Agency at the following address:

Rikstrafiken, Esplanaden 11, Box 473, S-85106 Sundsvall.

The opening hours of the National Public Transport Agency are 8.00-16.00 from Monday to Friday.

The tender and all documentation must be in Swedish or English and submitted in the original with 2 copies.

Tenders sent by fax or e-mail will not be accepted.

13. **Validity of the invitation to tender:** In accordance with the first sentence of Article 4 (1) (d) of Council Regulation (EEC) No. 2408/92, the validity of all invitations to tender is subject to the condition that no air carrier from any Member State notifies the Civil Aviation Administration (Luftfartsverket) by 27 September 2002 of its intention to operate the route in question with effect from 27 October 2002 in accordance with the public service obligation, without enjoying exclusive rights and without receiving any financial compensation.