

Official Journal

of the European Communities

ISSN 0378-6986

C 120

Volume 45

23 May 2002

English edition

Information and Notices

<u>Notice No</u>	<u>Contents</u>	<u>Page</u>
	<i>I Information</i>	
	Commission	
2002/C 120/01	Euro exchange rates	1
2002/C 120/02	Notice of the impending expiry of certain anti-dumping and countervailing measures	2
2002/C 120/03	Notice of the impending expiry of certain anti-dumping measures	3
2002/C 120/04	Amendment by France of public service obligations in respect of scheduled air services within France ⁽¹⁾	4
2002/C 120/05	Publication of an application for registration pursuant to Article 6(2) of Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin	5
2002/C 120/06	Prior notification of a concentration (Case COMP/M.2790 — Siemens/First Sensor Technology) — Candidate case for simplified procedure ⁽¹⁾	9
	EUROPEAN ECONOMIC AREA	
	EFTA Surveillance Authority	
2002/C 120/07	Communication from the EFTA Surveillance Authority under Article 4(1)(a) of the Act referred to in point 64(a) in Annex XIII to 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 public service obligations on scheduled air service on the route Höfn–Reykjavík v.v. in Iceland	10



II *Preparatory Acts*

.

III *Notices***European Parliament**

2002/C 120/08	Notice of three open competitions	11
---------------	---	----

Commission

2002/C 120/09	Call for proposals — CARDS 2002 integrated return programme for Bosnia and Herzegovina issued by the European Commission on behalf of Bosnia and Herzegovina	12
2002/C 120/10	Operation of scheduled air services — Invitation to tender published by Iceland pursuant to Article 4(1)(d) 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) for operation of scheduled air services on the route Höfn–Reykjavík v.v. ⁽¹⁾	16
2002/C 120/11	Operation of scheduled air services — Invitation to tender published by Italy pursuant to Article 4(1)(d) of Council Regulation (EEC) No 2408/92 for the operation of scheduled air services between Lampedusa and Palermo ⁽¹⁾	18
2002/C 120/12	Operation of scheduled air services — Invitation to tender published by Italy pursuant to Article 4(1)(d) of Council Regulation (EEC) No 2408/92 for the operation of scheduled air services between Pantelleria and Palermo ⁽¹⁾	20
2002/C 120/13	Operation of scheduled air services — Invitation to tender published by Italy pursuant to Article 4(1)(d) of Council Regulation (EEC) No 2408/92 for the operation of scheduled air services between Lampedusa and Catania ⁽¹⁾	22

I

(Information)

COMMISSION

Euro exchange rates ⁽¹⁾**22 May 2002**

(2002/C 120/01)

1 euro	=	7,4391	Danish krone
	=	9,1694	Swedish krona
	=	0,634	Pound sterling
	=	0,926	United States dollar
	=	1,4251	Canadian dollar
	=	115,15	Japanese yen
	=	1,4526	Swiss franc
	=	7,505	Norwegian krone
	=	85,71	Icelandic króna ⁽²⁾
	=	1,6598	Australian dollar
	=	1,9605	New Zealand dollar
	=	9,354	South African rand ⁽²⁾

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

⁽²⁾ Source: Commission.

Notice of the impending expiry of certain anti-dumping and countervailing measures

(2002/C 120/02)

1. The Commission gives notice that, unless a review is initiated in accordance with the following procedure, the anti-dumping and countervailing measures mentioned below will expire on the date mentioned in the table below, as provided in Article 11(2) of Council Regulation (EC) No 384/96 of 22 December 1995 ⁽¹⁾ on protection against dumped imports from countries not members of the European Community and in Article 18(4) of Council Regulation (EC) No 2026/97 of 6 October 1997 ⁽²⁾ on protection against subsidised imports from countries not members of the European Community.

2. Procedure

Community producers may lodge a written request for a review. This request must contain sufficient evidence that the removal of the measures would be likely to result in a continuation or recurrence of dumping/subsidisation and injury.

Should the Commission decide to review the measures concerned, importers, exporters, representatives of the exporting country and Community producers will then be provided with the opportunity to amplify, rebut or comment on the matters set out in the review request.

3. Time limit

Community producers may submit a written request for a review on the above basis, to reach the European Commission, Directorate-General for Trade (Division B-1), TERV 0/13, B-1049 Brussels ⁽³⁾ at any time from the date of the publication of the present notice but no later than three months before the date mentioned in the table below.

4. This notice is published in accordance with Article 11(2) of Regulation (EC) No 384/96 of 22 December 1995 and with Article 18(4) of Regulation (EC) No 2026/97 of 6 October 1997.

Product	Country(ies) of origin or exportation	Measures	Reference	Date of expiry
Stainless steel fasteners and parts thereof	People's Republic of China India Republic of Korea Malaysia Taiwan Thailand	Anti-dumping duty	Regulation (EC) No 393/98 (OJ L 50, 20.2.1998), as last amended by Regulation (EC) No 2570/2000 (OJ L 297, 24.11.2000)	21.2.2003
Stainless steel fasteneres and parts thereof	Malaysia Philippines	Countervailing duty	Regulation (EC) No 1523/2000 (OJ L 175, 14.7.2000)	17.2.2003

⁽¹⁾ OJ L 56, 6.3.1996, p. 1, as last amended by Regulation (EC) No 2238/2000 (OJ L 257, 11.10.2000, p. 2).

⁽²⁾ OJ L 288, 21.10.1997, p. 1.

⁽³⁾ Telex: COMEU B 21877; fax (32-2) 295 65 05.

Notice of the impending expiry of certain anti-dumping measures

(2002/C 120/03)

1. The Commission gives notice that, unless a review is initiated in accordance with the following procedure, the anti-dumping measures mentioned below will expire on the date mentioned in the table below, as provided in Article 11(2) of Council Regulation (EC) No 384/96 of 22 December 1995 ⁽¹⁾ on protection against dumped imports from countries not members of the European Community.

2. Procedure

Community producers may lodge a written request for a review. This request must contain sufficient evidence that the removal of the measures would be likely to result in a continuation or recurrence of dumping and injury.

Should the Commission decide to review the measures concerned, importers, exporters, representatives of the exporting country and Community producers will then be provided with the opportunity to amplify, rebut or comment on the matters set out in the review request.

3. Time limit

Community producers may submit a written request for a review on the above basis, to reach the European Commission, Directorate-General for Trade (Division B-1), TERV 0/13, B-1049 Brussels ⁽²⁾ at any time from the date of the publication of the present notice but no later than three months before the date mentioned in the table below.

4. This notice is published in accordance with Article 11(2) of Regulation (EC) No 384/96 of 22 December 1995.

Product	Country(ies) of origin or exportation	Measures	Reference	Date of expiry
Glyphosate	People's Republic of China	Duty	Regulation (EC) No 368/98 (OJ L 47, 18.2.1998) as last amended by Regulation (EC) No 1086/2000 (OJ L 124, 25.5.2000) and extended to imports of glyphosate consigned from Malaysia or Taiwan, whether declared as originating in Malaysia or Taiwan or not, by Regulation (EC) No 163/2002 (OJ L 30, 31.1.2002)	19.2.2003

⁽¹⁾ OJ L 56, 6.3.1996, p. 1, as last amended by Regulation (EC) No 2238/2000 (OJ L 257, 11.10.2000, p. 2).

⁽²⁾ Telex COMEU B 21877; fax (32-2) 295 65 05.

Amendment by France of public service obligations in respect of scheduled air services within France

(2002/C 120/04)

(Text with EEA relevance)

1. France has decided to alter the public service obligation in respect of scheduled air services between Brest (Guipavas) and Ouessant, as published in *Official Journal of the European Communities* C 157 of 4 June 1999, 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.
 - EUR 32 (plus airport taxes), at 2002 values, for local residents,
 - EUR 15 (plus airport taxes), at 2002 values, for local students.
- Children from 2 to 12 who are not eligible for the fare stated in the third indent above must be given a 50 % reduction on the fares stated in the first and second indents.
- Children under 2 shall travel free.
- Season tickets must also be available.
- These maximum fares shall be adjusted each year on the basis of changes in the retail price index over the 12 months.
- Continuity of service*
- Except in cases of force majeure, the number of flights cancelled for reasons directly attributable to the carrier must not exceed 3 % of the number of flights scheduled in any IATA scheduled season. The carrier must give six month's notice before discontinuing these services.
- Community carriers are hereby informed that the operation of air services without regard to the abovementioned public service obligation may result in administrative and/or criminal penalties.
2. The public service obligation is as follows:

Minimum frequency

The service must be operated all year round except on 1 January and 25 December.

The level of service provided must be at least two return trips per day, morning and late afternoon, from Monday to Sunday.

A third return trip must be provided for at least 180 days per year.

Type of aircraft used and capacity provided

The service must be operated with a turboprop aircraft having a seating capacity of at least nine.

Timetables

Timetables must be such as to enable passengers to make the round trip within the day and to spend at least seven hours at their destination, whether Brest or Ouessant.

Fares and flight bookings

The price of a single ticket must not exceed:

 - EUR 56 (plus airport taxes), at 2002 values, as the standard fare,
 3. This public service obligation replaces, with effect from 1 October 2002, the public service obligation concerning scheduled air services between Brest (Guipavas) and Ouessant, as published in *Official Journal of the European Communities* C 157 of 4 June 1999.

Publication of an application for registration pursuant to Article 6(2) of Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin

(2002/C 120/05)

This publication confers the right to object to the application pursuant to Article 7 of the abovementioned Regulation. Any objection to this application must be submitted via the competent authority in the Member State concerned within a time limit of six months from the date of this publication. The arguments for publication are set out below, in particular under 4.6, and are considered to justify the application within the meaning of Regulation (EEC) No 2081/92.

COUNCIL REGULATION (EEC) No 2081/92

APPLICATION FOR REGISTRATION: ARTICLE 5

PDO () PGI (x)

National application No: EL-04/00-5

1. Responsible department in the Member State

Name: Δ/ση ΠΑΠ — Φυτών Μεγάλης Καλλιέργειας
(Directorate for Field Crop Production and Exploitation)

Address: Μενάνδρου 22, GR-105 52 Αθήνα TK
(Menandrou 22, GR-105 52 Athens)

Tel. (30-10) 212 51 19 και (30-10) 212 51 21

Fax (30-10) 524 51 95.

2. Applicant group

2.1. Name: 'Αγροτική Καστοριάς ΑΕ' με διακριτικό τίτλο 'Αgroka SA'
(Agrotiki Kastorias AE (business name: Agroka SA))

2.2. Address: Οικισμός Λακκωμάτων — Δήμου Ορεστίδος Ν. Καστοριάς
(Lakkomata, Orestida, Prefecture of Kastoria)

2.3. Composition: Producers/processors (x) other ().

With 212 members bean-growers of the Prefecture of Kastoria from all areas growing the product (memorandum of association No 65/7.4.97) who hold 65 % by value of the shares. The remaining 35 % is a contribution of the then Commune of Lakkomata, now a constituent part of the Municipality of Orestida. The company's structure is governed by Article 2 of PD 410/95 (GG321).

3. Type of product: Class 1.6.

4. Specification

(Summary of requirements under Article 4(2)):

4.1. **Name:** Φασόλια Γίγαντες — Ελέφαντες Καστοριάς (Fasolia Gigantes — Elefantas Kastorias)

4.2. **Description:** Beans are annual climbing plants with long slender stems and compound leaves reaching a final height of more than 2 metres. They belong to the *Papilionaceae* family (legumes). The *Phaseolus* genus contains 250 species. The varieties grown in the Prefecture of Kastoria belong to the species *Phaseolus coccineus* (*multiflorus*).

— The symbiotic association of the nitrogen-fixing *Bacterium radicola* with the fleshy nodular roots permits absorption of up to 40 kg/ha of atmospheric nitrogen.

- The stem is slender, pliant and cylindrical and twines continuously from left to right.
- The compound leaves consist of three leaflets.
- The flowers comprise a five-part calyx, a five-part white corolla, 10 stamens and a pistil. They are produced in large axillary clusters opening successively from the base to the tip of the plant.
- The elephant/giant beans are cross-pollinated plants.
- The fruit is a white kidney-shaped pod. A legume of large size, it is consumed cooked in the oven or stewed with added plant products (oil, onion, tomato, celery, carrot) that complete the 'Mediterranean character' of the dish.

Nutritional value is very high, it is an excellent source of protein, starch, iron, etc. and has a low fat content.

Under Joint Decision No 37227/25.9.87 of the Ministers for Agriculture and Trade (GG 541/B/9-10-87) the following definitions and tolerances apply:

1. *Elephant beans*: Minimum weight per 1 000 beans 1 800 grams or 90 % of the beans unable to pass through a sieve with 13 mm diameter round holes.
2. *Giant beans*: Weight per 1 000 beans 1 200 to 1 800 grams or 90 % of the beans able to pass through a sieve with 13 mm diameter round holes but not one with 12 mm diameter round holes.
3. *In the pre-packed beans*:
 - (a) broken beans less than half the whole bean in size: up to 2 %;
 - (b) shrivelled/discoloured beans: up to 0,5 %;
 - (c) foreign matter: up to 0,05 % (maximum earth 0,02 %).
- 4.3. **Geographical area**: Bean cultivation in the Prefecture of Kastoria is located on the banks of the River Aliakmonas and its tributaries and in areas where land consolidation has occurred that have organised irrigation networks guaranteeing supply of the abundant water that cultivation requires. Of secondary importance is cultivation on the banks of Lake Kastoria.

About 900 ha of ground within the cultivation zone is used to grow Kastoria elephants/giants. The zone's altitude ranges from 630 to 900 metres. The soils are alluvial, light, free draining and on the whole slightly acid.

The climate of the cultivation zone is continental with cool summers owing to its altitude and proximity to the waters of Lake Kastoria and the River Aliakmonas. In addition the presence of the lake conduces to a mild spring. An average annual rainfall of around 600 mm completes the requirements of the water-loving bean plant.

The 'special' climate that conduces to the excellence of the product is however in large measure due to an exceptional phenomenon. The whole area is an extensive plateau protected by the Vitsi mountain and the Grammos mountain range. A basin in which even when there are winds they are always light.

The cultivation zone is:

1. the entire municipality of Ion Dragoumis;
2. the entire municipality of Makedna;
3. the entire municipality of Agioi Anarguroi;
4. the entire municipality of Korestia;
5. the entire municipality of Kastoria;

6. the entire municipality of Vitsio;
7. the entire municipality of Aliakmonas;
8. the entire municipality of Agia Triada;
9. part of the municipality of Orestida (formerly municipality of Argos Orestiko and formerly communes of Ammoudara, Asprokklisia, Dialekto, Kastanofito, Lakkomata, Melanthi and Spilea);
10. part of the municipality of Nestori (formerly commune of Ptelea);
11. part of the commune of Kastraki (formerly commune of Dendrokhorí).

The actual cultivation areas adjoin one another.

- 4.4. **Proof of origin:** Beans originated in southern Mexico and central America. According to radioactive carbon studies *Phaseolus coccineus (multiflorus)* was domesticated in Mexico around 2000 BC. It is believed that beans were brought to Europe in the middle of the 16th century, first to England and Spain, and reached Greece at the end of that century. They first appeared around lowland urban centres but given their physiology cultivation quickly spread to remote upland areas. One of these is the Prefecture of Kastoria, where ideal soil, ideal climate and excellent cultivation techniques cooperate in the creation of varieties and a product that wins the markets. A product that on account of the Greeks' partiality for it and its special place in their diet has been described as a 'national food'.

Area and cultivation data within the delimited zone recorded under and its accuracy guaranteed by:

- (a) the compensatory allowance scheme;
- (b) the integrated control system for agricultural holdings;
- (c) the remote surveillance programme.

All three are regulated by Community legislation and implemented by the Agriculture Directorate.

Control procedures and certification of the product will be carried out by the designated State agencies on the basis of the legislation in force for designated origin and geographical indication products.

The detailed checking will involve chemical analysis by these agencies, which will also exercise a control function in regard to labelling in that they will attest the veracity of the indications compulsory under the national and Community legislation in force (e.g. lot numbering, possible use of the Community symbol, etc.).

In Greece, elephants and giants are the only dried beans with a 1 000 bean weight above 1 200 grams.

4.5. **Method of production**

- 4.5.1. **Harvesting:** Harvesting of the pods by hand starts at the beginning of September and lasts for up to three months. A crop is taken from the plant up to three times, since ripening of the pods is progressive from the base of the plant to the tip. The pods are spread out on floors for natural drying in the sun to the stage when they separate easily from the seeds on being beaten with pliant rods.
- 4.5.2. **Conservation:** The separated seeds are, if necessary, spread out in the sun until they reach the desirable moisture content of around 12 %. They are then sorted through by hand for removal of foreign bodies, broken and damaged seeds and seeds foreign to the variety, put into sacks and stored under hygienic conditions without any particular problem owing to their durable nature.

4.5.3. *Market preparation and disposal:* At the new grading/packing station of Agrotiki Kastorias, grading and packaging will be done using state of the art machines and methods guaranteeing the select quality of the product.

Polypropylene bags holding 0,5 kg and 1 kg will be filled automatically and then put into 10-20 kg boxes.

The whole procedure is electronically controlled and uses automatic measuring equipment.

Grading involves automatic separation of the product into three size categories as indicated in the application for recognition, following a check on varietal authenticity and cleaning and disinfection using mild procedures (physical separation/Ecogen system).

The product is distributed direct to a network of food shops throughout Greece using the vehicles of Agrotiki Kastorias AE.

The immediate aims are the commercial security of the product, protection of the consumer and also penetration of foreign markets, which will be possible only through the PGI recognition procedure.

4.6. **Link:** The soil and climate of the area contribute decisively to production of the exceptional elephant/giant beans of Kastoria. The medium-textured slightly acid soil with excellent drainage and the Mediterranean continental climate of the area are harmoniously collaborating factors in production of the beans that have been part of the life of the inhabitants of the area for 300 years.

The cultivation technique applied is a tradition handed down from generation to generation. To grow a product of such excellent quality is not a matter of expedients but of longstanding experience put into practice by growers using their 'eye' and their own hands.

In this area bean cultivation is part of the economy and its importance is reflected in tradition, customs and festivals.

- Annual bean fair at Lakkomata.
- Dish of beans served to the guests at the festival on the anniversary of the death of the Macedonian freedom fighter Pavlos Melas at the place bearing his name.
- Bean festivals at various locations at harvest time with associated local cultural and folklore events.
- Events showing the inhabitants' historical and social links with the product.

4.7. **Inspection body**

Name: Νομαρχιακή Αυτοδιοίκηση Καστοριάς
Διεύθυνση Γεωργίας
(Agriculture Directorate, Prefectural Administration of Kastoria)

Address: GR-521 00 Καστορία Διοικητήριο (GR-52100 Kastoria).

4.8. **Labelling:** It is compulsory for the packaging of the product to carry the indication 'Fasolia Gigantes-Elefantes Kastorias PGI' and those specified in Article 4(7) of PD 81/93.

4.9. **National requirements:** The general provisions of PD 81/93 on PDO and PGI production procedures apply.

EC No: G/EL/00123/2000.04.05.

Date of receipt of the full application: 14 December 2000.

Prior notification of a concentration**(Case COMP/M.2790 — Siemens/First Sensor Technology)****Candidate case for simplified procedure**

(2002/C 120/06)

(Text with EEA relevance)

1. On 13 May 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 Siemens Venture Capital Gesellschaft GmbH (SVC), controlled by Siemens AG, acquires within the meaning of Article 3(1)(b) of the Regulation, joint control of First Sensor Technology GmbH (FST), currently controlled by Deutsche Vermögensverwaltungsgesellschaft mbH (DBG) and IKB Deutsche Industriebank AG (IKB), by way of purchase of shares and veto rights.

2. The business activities of the undertakings concerned are:

- SVC: Venture capital,
- DBG: Financial investments,
- IKB: Banking and financial investments,
- FST: Pressur sensors and print-heads.

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.2790 — Siemens/First Sensor Technology, to:

European Commission,
Directorate-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.

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) in Annex XIII to 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 public service obligations on scheduled air service on the route Höfn-Reykjavík v.v. in Iceland

(2002/C 120/07)

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 (http://europa.eu.int/eur-lex/en/lif/dat/en_392R2408.html), Iceland has decided to impose public service obligations in respect of scheduled air services as of **1 November 2002** on the following route:

— Höfn-Reykjavík v.v.

2. THE PUBLIC SERVICE OBLIGATIONS INCLUDE THE FOLLOWING

2.1. Minimum frequencies, seating capacity, routing and timetables

The requirements apply throughout the operating period from 1 November 2002 to 31 December 2003 (14 months).

Minimum frequency

- Seven round trips every week.
- Minimum one round trip on Sundays, Mondays, Tuesdays, Wednesdays and Fridays.

Seating capacity

- In both directions at least 15 seats shall be offered for each trip.

Routing

- The required services shall be non-stop.

Timetable

- Departure from Reykjavík at 8:00 or later. Arrival to Reykjavík no later than 18:00.

2.2. Aircraft category

Multi-engine turboprop aircraft registered for minimum 15 passengers shall be used for the required flights.

Carriers' attention is especially drawn to technical and operative conditions applying at the airports.

2.3. Fares

- Maximum basic one-way fare (fully flexible) may not exceed ISK 11 500. Changes can be made in ticket prices according to changes in the consumer price index, but no earlier than 1 January 2003, and after that no more frequently than every six months.
- Social discounts conforming to the usual practice shall be offered.

2.4. Service continuity

The number of flights cancelled for reasons directly attributable to the carrier must not exceed 4 % of the intended number of flights on an annual basis.

2.5. Cooperation arrangements

Following a tender procedure, which limits access to the route Höfn-Reykjavík v.v. to one carrier, these conditions apply:

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 % of the fully flexible fare.

Transfer conditions

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

3. Further information may be obtained from:

Ríkiskaup (the State Trading Centre)
Borgartúni 7
PO Box 5100
IS-125 Reykjavík
Tel. (354) 530 14 00
Fax (354) 530 14 14.

III

(Notices)

EUROPEAN PARLIAMENT

NOTICE OF THREE OPEN COMPETITIONS

(2002/C 120/08)

The European Parliament Secretariat is organising the following three open competitions ⁽¹⁾:

EUR/A/167/02 ADMINISTRATORS with training in German law

(career bracket A 7/A 6)

(in cooperation with the Court of Justice of the European Communities)

PE/96/A German-language ADMINISTRATORS

(career bracket A 7/A 6)

PE/94/A German-language ASSISTANT ADMINISTRATORS

(career bracket A 8)

⁽¹⁾ OJ C 120 A, 23.5.2002 (German-language edition).

COMMISSION

CALL FOR PROPOSALS

CARDS 2002 integrated return programme for Bosnia and Herzegovina issued by the European Commission on behalf of Bosnia and Herzegovina

(2002/C 120/09)

1. Publication reference

EuropeAid/114026/C/G/BA.

Project 2: CENTRAL BOSNIA — code: IRP-2-CB

Vares, Kakanj, Travnik, Bugojno, Donji Vakuf, Gornji Vakuf, Jajce/Dobretici Municipalities.

2. Programme and financing source

CARDS 2002.

Project 3: NORTH-WEST — code: IRP-3-NW

Sanski Most, Bosansko Grahovo, Bosanski Petrovac, Glamoc and Bihac Municipalities.

3. Nature of activities, geographical area and project duration

(a) The integrated return programme CARDS 2002 is designed to support the priorities defined by the Reconstruction and Return Task Force (RRTF), in particular: (i) support to breakthrough and spontaneous returns; (ii) consolidation of returns; (iii) support to regional cross border returns (from Croatia and FRY to Bosnia and Herzegovina); (iv) support to the property legislation implementation plan (PLIP); and (v) sustainability of return. The project proposals should focus on the following activities:

— return of refugees and displaced persons through rehabilitation of dwellings (preferably using the self-help approach) and technical infrastructure, and sustainability measures,

— strengthening the capacity of local institutions active in the return sector (e.g. associations of returnees or institutions promoting the creation of employment opportunities in return areas).

Applicants should tailor their proposals to meet the particular needs of the return areas as defined in paragraph (b) here below and the project design should be developed in close co-ordination with the regional/local RRTF offices.

(b) Geographical area:

Project 1: BRCKO — code: IRP-1-BK

Brcko District.

Project 4: SARAJEVO — code: IRP-4-SA

Bratunac, Foca/Srbinje (RS), Visegrad, Srebrenica, Rogatica (RS), Ilijas and Hadzici Municipalities.

Project 5: SOUTHERN — code: IRP-5-SO

Mostar Old Town, Ravno, Prozor/Rama, Mostar South East, Mostar North, Konjic and Nevesinje Municipalities.

Project 6: TUZLA-DOBOJ — code: IRP-6-TD

Celic, Dobo, Milici, Lukavac, Sapna, Gradacac, Valasenica Municipalities.

(c) Maximum project duration: **18 months**.

For details, see the 'Guidelines for applicants' referred to in point 12.

4. Overall amount available for this call for proposals: EUR 13 million.

Suspension clause: The present call for proposals and the award of contracts are subject to the financing decision of the European Commission and to the approval by the partner State of the relevant project. In the event that either the European Commission does not deliver its decision, or the partner State does not approve the relevant project, the present call for proposals will be cancelled.

5. Maximum and minimum grant amounts

The following indicative amounts apply to the grants for the individual projects, which may be financed under the programme:

Project 1: BRCKO — code: IRP-1-BK — EUR 1,5 million.

Project 2: CENTRAL BOSNIA — code: IRP-2-CB — EUR 2,3 million.

Project 3: NORTH-WEST — code: IRP-3-NW — EUR 3,3 million.

Project 4: SARAJEVO — code: IRP-4-SA — EUR 2,2 million.

Project 5: SOUTHERN — code: IRP-5-SO — EUR 1,7 million.

Project 6: TUZLA-DOBOJ — code: IRP-6-TD — EUR 2,0 million.

The European Commission shall cover 100 % of project costs.

— they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended activities or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations,

— they are the subject of proceedings for a declaration of bankruptcy, for winding-up, for administration by the courts, for an arrangement with creditors or for any similar procedure provided for in national legislation or regulations,

— they have been convicted of an offence concerning professional conduct by a judgment which has the force of *res judicata* (i.e. against which no appeal is possible),

— they are guilty of grave professional misconduct proven by any means which the contracting authority can justify,

— they have not fulfilled obligations relating to the payment of social security contributions in accordance with the legal provisions of the country where they are established,

— they have not fulfilled obligations relating to the payment of taxes in accordance with the legal provisions of the country where they are established,

— they are guilty of serious misrepresentation in supplying the information required by the contracting authorities as a condition of participation in a call for proposals or contract,

— they have been declared to be in serious breach of contract for failure to comply with obligations in connection with another contract with the same contracting authority or another contract financed with Community funds,

— they have attempted to obtain confidential information or influence the committee or contracting authority during the evaluation process of current or previous calls for proposals.

6. Maximum number of grants to be awarded

Maximum six grant of aid contracts (see above). Should an applicant apply and be successful for more than one project, one single contract would be signed. It is understood that staff, administrative and indirect costs shall be revised according to the relevant ceilings (see guidelines for applicants, paragraph 2.1.4, published together with this notice on the Internet website) and keeping in mind the need to achieve economy of scale.

7. Eligibility: Who may apply

Applicants must comply with the following conditions in order to be eligible for a grant:

— be non-profit-making,

— have their headquarters within the European Union or in one of the countries eligible to participate in the CARDS programme,

— be directly responsible for the preparation and management of the project, not acting as an intermediary,

— have previous experience in the implementation of complex return projects (**minimum three years**) and demonstrate their capacity to manage larger scale activity corresponding with the size of the project for which a grant is requested (implemented in previous three years at least one complex project with a value of **more than EUR 1 million**).

Potential applicants are not entitled to participate in calls for proposals or be awarded grants if:

8. Provisional notification date of results of the award process

October 2002.

9. Award criteria

Refer to section 2.3 of the guidelines for applicants published together with this notice on the Internet website.

10. Application format and details to be provided

Applications must be submitted using the standard application form attached to the guidelines for applicants mentioned in point 12, whose format and instructions must be strictly observed.

Applications (application form and annexes) must be submitted in a sealed envelope (one original and two hard copies) one marked as 'ORIGINAL' and each one of the two others marked as 'COPY' together with an electronic copy (floppy disk, no CD or ZIP).

Applicants must apply in the English language.

11. Deadline for applications

The deadline for reception of applications is **23 August 2002 at 16.00**. Any application received after the deadline will be automatically rejected, even if the postmark indicates a date preceding the deadline.

12. Detailed information

Detailed information on this call for proposals is contained in the 'Guidelines for applicants', which are published together with this notice on the Internet website:

<http://europa.eu.int/comm/europeaid/cgi/frame12.pl>

and are also available in hard copy from the contracting authority at:

The Delegation of the European Commission to Bosnia and Herzegovina
Union Bank Building
Dubrovacka 6
71000 Sarajevo
Bosnia and Herzegovina.

The 'call for proposals dossier' may be sent to potential applicants by courier at their request and at their own cost.

Request for clarification

The contracting authority gives all applicant organisations the opportunity to ask for clarification questions regarding the call for proposals. All applicants' enquiries should be sent to:

The Delegation of the European Commission to Bosnia and Herzegovina
Union Bank Building
Dubrovacka 6
71000 Sarajevo
Bosnia and Herzegovina
Fax (387) 33 66 60 37
Attn. Mr Paolo Scialla and Mr Mladen Bevanda,
Operations Section.

The contracting authority shall respond only to those enquiries or requests for clarification which it receives by **10 July 2002 at 17.00**.

Questions that may be relevant to all applicants, together with their answers, will be published on the internet website of the AIDCO http://europa.eu.int/comm/europeaid/cgi/frame_12.pl, as addendum to the CARDS 2002 call for proposal dossier by **1 August 2002**.

13. Expression of interest

In order to make sure that all the potential applicants are provided with the clarification answers given by the contracting authority, all applicants are requested to fill the attached form of the expression of interest and send it to the abovementioned address by **10 July 2002**.

Format of the expression of interest

EXPRESSION OF INTEREST

Subject: **CARDS 2002 integrated return programme (IRP) for Bosnia and Herzegovina**

This letter is to express interest in participating in the CARDS 2002 integrated return programme.

Applicant organisation:

Name:

Address:

Country:

Contact person:

Tel.:

Fax:

E-mail:

We express our interest to participate in the following project(s):

Project code: (see point 3(b) above).

Project code:

Name:

Function:

Signature:

Operation of scheduled air services

Invitation to tender published by Iceland pursuant to Article 4(1)(d) 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) for operation of scheduled air services on the route Höfn-Reykjavík v.v.

(2002/C 120/10)

(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 (http://europa.eu.int/eur-lex/en/lif/dat/en_392R2408.html), Iceland has decided to impose public service obligations on regional air services on the route Höfn-Reykjavík v.v. as of 1 November 2002, as published on 16.5.2002 in the *Official Journal of the European Communities* C 115, and the EEA supplement No 25.

If no air carrier has informed the Ministry of Communications in Iceland that it has commenced, or is about to commence, scheduled air services 4 weeks before the intended entry of force of the contract on the said route, effective as of 1 November 2002, in conformity with the public service obligation imposed on the route Höfn-Reykjavík v.v, without requesting financial compensation or market protection, Iceland has decided, under the procedure provided for by Article 4(1)(d) of the same Regulation, to limit access to only one air carrier on the route and following an invitation to tender, to grant the right to operate the route with effect from 1 November 2002.

2. **Objective of the invitation to tender:** The objective of the tender is to provide, with effect from 1 November 2002, scheduled air services on the route Höfn-Reykjavík v.v. in accordance with the imposed public service obligations, as published in the *Official Journal of the European Communities* C 115 of 16.5.2002.
3. **Eligibility to tender:** All air carriers holding a valid operating licence pursuant to Council Regulation (EEC) No 2407/92 of 23.7.1992 on the licensing of air carriers are eligible to tender (http://europa.eu.int/eur-lex/en/lif/dat/en_392R2407.html).
4. **Tender procedure:** This invitation to tender is subject to the provisions of subparagraphs (d)-(i) of Article 4-(1) of Council Regulation (EEC) No 2408/92.

The Public Roads Administration (Vegagerdin) reserves the right to reject all tenders. Overdue tenders and tenders not in conformity with this invitation to tender will be rejected.

The Public Roads Administration reserves the right to apply subsequent negotiations if all tenders submitted are incorrect, or, if after the final date for receipt of tenders, there proves to be only 1 tenderer or no

tender. Such negotiations shall be in accordance with the public service obligations imposed and without making substantial changes in the original tender condition.

The tenders shall be made in Icelandic or English.

The tender is binding on the tenderer until the award is made. However, the tender will remain valid until no later than 12 weeks from the opening of tenders.

5. **Award:** The award will be made to the tender requiring the lowest amount of compensation for the period of 1 November 2002 to 31 December 2003.
6. **Tender file:** The full file for the invitation to tender, containing the imposition of public service obligations, the specific rules to the invitation to tender (Icelandic regulation on tender procedures in connection with public service obligations to implement Council Regulation (EEC) No 2408/92, Article 4), may be obtained from:

Vegagerdin (Public Roads Administration), Borgartun 5-7, IS-105 Reykjavik. Tel.: (354) 522 1000. Fax: (354) 522 1069. E-mail: khs@vegagerdin.is.

The price of the file is 3 000 ISK.

7. **Financial compensation:** The tenders shall specify the compensation in Icelandic Krónur (ISK) required for one roundtrip in conformity with compensation required for operation of the service in question during 14 months from the scheduled starting date, 1 November 2002. The tenders shall be based on the price level on the opening day of the tenders. Also required is an operating budget for a twelve-month period. This information shall be set out in a format included in the tender file, along with the information required in the tender file.

Price adjustment:

the exact amount of compensation required for each roundtrip, starting 1 November 2002 will be paid according to a contract during the term of the contract. The amount of compensation for the periods 1 January 2003-31 December 2003 will be adjusted at the beginning of the period. The adjustment will be in accordance with the following index:

1 % change in fuel price, JET A-1 (mean price in December 2002) change the amount of compensation of 0,2 %,

1 % change in consumer price index change the amount of compensation of 0,8 %.

Changes can be made in ticket prices according to changes in the above index, but no earlier than 1 January 2003, and after that no more frequently than every 6 months.

The operator shall retain all revenue generated by the service and is fully responsible, for the expenses, however, re-negotiation in accordance with the standard contract may apply in case of substantial and unforeseeable changes in the assumptions underlying it.

8. **Fares:** The tenders submitted shall specify the fares and the conditions thereto. The fares shall be in accordance with the public service obligations published in the *Official Journal of the European Communities* C 115 of 16.5.2002.

9. **Duration, amendment and termination of the contract:** The contract shall start on 1 November 2002 and end on 31 December 2003.

A review of implementation of the contract shall be carried out in concert with the carrier during the 6 weeks following the end of the contract period.

The contract may not be modified unless the changes are in accordance with the public service obligations. Any modification of the contract shall be recorded in an annex thereto.

The carrier may terminate the contract only after 6-month period of notice.

10. **Breach of contract/cancellation:** In the event of substantial breach of the contract by one party; it may be cancelled with immediate effect by the other party.

The air carrier shall carry out all the obligations of the contract according to the public service obligations published in the *Official Journal of the European Communities* C 115 of 16.5.2002 and the tender file. In the event of non-performance of such obligations, the Public Roads Administration, may discontinue payments corresponding to the non-performance.

The Public Roads Administration may cancel the contract with immediate effect, in the event of substantial breach of

the contract or in the event of the insolvency or bankruptcy of the carrier.

The Public Roads Administration may cancel the contract with immediate effect if the operator has his licence revoked or it is not renewed.

Independent of any action for damages, any discontinuation of contracted services which can be attributed directly to the operator shall lead to a reduction in the amount of financial compensation in accordance with the number of flights cancelled if number of cancelled flights exceeds 4% of planned numbers of flights.

11. **Airlines codes:** The flights cannot carry any airline codes other than the tenderer's own and cannot be part of any code-sharing agreement.

12. **Submission of tenders:** Tenders must be sent by registered post with acknowledgement of receipt, in which case the postmark will be accepted as proof of submission, or delivered by hand to the Public Roads Administration, not later than 27.6.2002 (15.00), where they will be opened in the presence of those tenderers requesting to be present 1.7.2002 (14.15). Tenders submitted later than 27.6.2002 (15.00) will not be opened.

The tenders submitted must be contained in a sealed envelope addressed as follows:

Vegagerdin (Public Roads Administration), Borgartún 5-7, IS-105 Reykjavik, Iceland.

The envelopes containing the tenders shall be identified as follows:

Vegagerdin, Áætlunarflug Höfn, Hornafirdi, 2002-2003 (the envelopes shall bear the tenderer's name).

13. **Validity of the invitation to tender:** This invitation to tender shall be valid only to the extent that no EEA carrier (EEA carrier means a Community air carrier or an air carrier with a valid operating license granted by an EFTA State, party to the EEA Agreement, in accordance with the Act referred to in point 66b in annex XIII of the EEA Agreement (Council Regulation (EEC) No 2407/92 on licensing of air carriers) informs the Ministry of Communications, 4 weeks or more before the intended entry of force of the contract, that it will commence scheduled flights according to the public service obligations on any of the air routes without requiring any financial support or market protection.

Operation of scheduled air services**Invitation to tender published by Italy pursuant to Article 4(1)(d) of Council Regulation (EEC) No 2408/92 for the operation of scheduled air services between Lampedusa and Palermo**

(2002/C 120/11)

(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, in accordance with the decisions of the Inter-services Conference chaired by the Region of Sicily, the Italian Ministry of Infrastructure and Transport has decided to impose a public service obligation on scheduled air services between:

— Lampedusa and Palermo.

The terms of this public service obligation were published in the *Official Journal of the European Communities* C 119 of 22.5.2002.

Insofar as within 30 days of its publication no air carrier has commenced or is about to commence scheduled air services on the abovementioned route in accordance with the public service obligation imposed and without requesting financial compensation, a single carrier will be selected, under this tender procedure in accordance with Article 4(1)(d) of the abovementioned Regulation, to operate the air services on that route.

2. **Object of the invitation to tender:** The operation of scheduled air services in accordance with the public service obligation imposed on that route and published in the *Official Journal of the European Communities* C 119 of 22.5.2002.
3. **Participation and tender procedure:** Participation is open to all air carriers who hold 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.

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

4. **Tender dossier - concession agreement:** The conditions for taking part in the call for tender and the award criteria are set out in the tender dossier which constitutes an integral part of this tender procedure.

The concession of the service will be governed by an agreement based on a model which may be obtained,

together with the tender dossier and any other relevant information, from the following address:

ENAC, Area Trasporto Aereo, Piazzale degli Archivi, 41, I-00144 Roma. Tel.: 6 54 84 322/327.

5. **Financial compensation:** Tenders must explicitly state the amount of compensation required for operating the service for two years from the scheduled starting date, accounted on an annual basis. The exact amount of compensation finally granted shall 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.

The annual instalments will be made in the form of instalments and a balance. The balance will be paid only after approval of the carrier's accounts for the route in question and verification that the service has been operated in accordance with the conditions laid down in Article 7 below.

6. **Fares:** Tenders must indicate the proposed fare structure in accordance with the public service obligation published in the *Official Journal of the European Communities* C 119 of 22.5.2002.
7. **Duration of the contract:** The contract shall run for two years, with the option to extend for a further twelve months, from the date on which the scheduled air service on the route in question will commence operation in accordance with the public service obligation imposed.

The operation of the contracted service and the carrier's cost accounting shall be the subject of an annual examination in cooperation with the carrier. No changes shall be made to the service provided without an additional agreement.

8. **Termination of contract and notice:** The parties must give six months' formal notice before terminating the contract. If the carrier fails to respect the public service obligation, it shall be deemed to have terminated the contract without notice if it does not resume the service in accordance with the public service obligation within one month of being served formal notice.

If, after the first two seasons of operation, less than 50 % of the capacity offered is used, the Italian civil aviation authority (ENAC) may reduce the frequency and/or minimum capacity laid down and adjust the financial compensation accordingly.

Failure by the carrier to observe the period of notice referred to in the first paragraph shall be subject to a penalty calculated on the basis of the number of days of default and the deficit recorded on the route over the year in question. In no case shall the penalty be greater than the amount of financial compensation referred to in Article 5.

9. **Failure to fulfil the contract:** The carrier is responsible for seeing that the obligations incurred under the contract are strictly carried out. In the event the carrier fails to fulfil its contractual obligations wholly or in part for reasons other than force majeure or abnormal or unforeseeable events beyond the carrier's control, or which it could not reasonably avoid, the contract may be terminated after giving formal notice to the carrier within ten days of learning of the event. After receiving formal notice, the carrier is allowed up to seven days to justify its position.

This shall be without prejudice to the right to reduce the amount of financial compensation as provided for in the fourth paragraph below and any action for damages.

The contract shall be terminated automatically when the number of flights cancelled for reasons directly attributable to the carrier exceeds 2 % of the number of flights scheduled for the service concerned in any scheduling season.

If the service is interrupted in any way, the amount of financial compensation shall be revised in proportion to the number of flights not carried out, without prejudice to any subsequent claim for compensation for damages.

If the contract is terminated, ENAC may require the carrier to continue the service, on an interim basis under the same conditions or select a new operator.

In the event that the carrier is prevented from operating the service on the route in question on account of:

- dangerous weather conditions,
- closure of one of the airports,
- issues of public safety,
- industrial action,
- security problems,
- or force majeure,

the amount of financial compensation shall be reduced in proportion to the number of flights not carried out.

10. **Presentation of tenders:** Tenders must reach the following address no later than 30 days after the date of publication of this invitation to tender in the Supplement to the *Official Journal of the European Communities* in a closed and sealed envelope by registered letter with acknowledgement of receipt, or delivered by hand with receipt:

ENAC Direzione Generale, via di Villa Ricotti 42, I-00161 Roma.

The date of receipt shall be deemed to be the date of the postmark for registered letters and the date of receipt for hand deliveries.

11. **Validity of the invitation to tender:** In accordance with Article 4(1)(d) of Council Regulation (EEC) No 2408/92, the validity of this invitation to tender is subject to the condition that no Community carrier agrees to operate the route in accordance with the public service obligation within 30 days of its publication in the *Official Journal of the European Communities* C 119 of 22.5.2002, without requesting any financial compensation.

Operation of scheduled air services**Invitation to tender published by Italy pursuant to Article 4(1)(d) of Council Regulation (EEC) No 2408/92 for the operation of scheduled air services between Pantelleria and Palermo**

(2002/C 120/12)

(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, in accordance with the decisions of the Inter-services Conference chaired by the Region of Sicily, the Italian Ministry of Infrastructure and Transport has decided to impose a public service obligation on scheduled air services between:

— Pantelleria and Palermo.

The terms of this public service obligation were published in the 'Official Journal of the European Communities' C 119 of 22.5.2002.

Insofar as within 30 days of its publication no air carrier has commenced or is about to commence scheduled air services on the abovementioned route in accordance with the public service obligation imposed and without requesting financial compensation, a single carrier will be selected, under this tender procedure in accordance with Article 4(1)(d) of the abovementioned Regulation, to operate the air services on that route.

2. **Object of the invitation to tender:** The operation of scheduled air services in accordance with the public service obligation imposed on that route and published in the 'Official Journal of the European Communities' C 119 of 22.5.2002.
3. **Participation and tender procedure:** Participation is open to all air carriers who hold 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.

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

4. **Tender dossier — concession agreement:** The conditions for taking part in the call for tender and the award criteria are set out in the tender dossier which constitutes an integral part of this tender procedure.

The concession of the service will be governed by an agreement based on a model which may be obtained,

together with the tender dossier and any other relevant information, from the following address:

ENAC, Area Trasporto Aereo, Piazzale degli Archivi, 41, I-00144 Roma. Tel.: 06 54 84 322/327.

5. **Financial compensation:** Tenders must explicitly state the amount of compensation required for operating the service for two years from the scheduled starting date, accounted on an annual basis. The exact amount of compensation finally granted shall 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.

The annual instalments will be made in the form of instalments and a balance. The balance will be paid only after approval of the carrier's accounts for the route in question and verification that the service has been operated in accordance with the conditions laid down in Article 7 below.

6. **Fares:** Tenders must indicate the proposed fare structure in accordance with the public service obligation published in the 'Official Journal of the European Communities' C 119 of 22.5.2002.
7. **Duration of the contract:** The contract shall run for two years, with the option to extend for a further twelve months, from the date on which the scheduled air service on the route in question will commence operation in accordance with the public service obligation imposed.

The operation of the contracted service and the carrier's cost accounting shall be the subject of an annual examination in cooperation with the carrier. No changes shall be made to the service provided without an additional agreement.

8. **Termination of contract and notice:** The parties must give six months' formal notice before terminating the contract. If the carrier fails to respect the public service obligation, it shall be deemed to have terminated the contract without notice if it does not resume the service in accordance with the public service obligation within one month of being served formal notice.

If, after the first two seasons of operation, less than 50 % of the capacity offered is used, the Italian civil aviation authority (ENAC) may reduce the frequency and/or minimum capacity laid down and adjust the financial compensation accordingly.

Failure by the carrier to observe the period of notice referred to in the first paragraph shall be subject to a penalty calculated on the basis of the number of days of default and the deficit recorded on the route over the year in question. In no case shall the penalty be greater than the amount of financial compensation referred to in Article 5.

9. **Failure to fulfil the contract:** The carrier is responsible for seeing that the obligations incurred under the contract are strictly carried out. In the event the carrier fails to fulfil its contractual obligations wholly or in part for reasons other than force majeure or abnormal or unforeseeable events beyond the carrier's control, or which it could not reasonably avoid, the contract may be terminated after giving formal notice to the carrier within ten days of learning of the event. After receiving formal notice, the carrier is allowed up to seven days to justify its position.

This shall be without prejudice to the right to reduce the amount of financial compensation as provided for in the fourth paragraph below and any action for damages.

The contract shall be terminated automatically when the number of flights cancelled for reasons directly attributable to the carrier exceeds 2 % of the number of flights scheduled for the service concerned in any scheduling season.

If the service is interrupted in any way, the amount of financial compensation shall be revised in proportion to the number of flights not carried out, without prejudice to any subsequent claim for compensation for damages.

If the contract is terminated, ENAC may require the carrier to continue the service, on an interim basis under the same conditions or select a new operator.

In the event that the carrier is prevented from operating the service on the route in question on account of:

- dangerous weather conditions;
- closure of one of the airports;
- issues of public safety;
- industrial action;
- security problems;
- or force majeure,

the amount of financial compensation shall be reduced in proportion to the number of flights not carried out.

10. **Presentation of tenders:** Tenders must reach the following address no later than 30 days after the date of publication of this invitation to tender in the 'Supplement to the *Official Journal of the European Communities*' in a closed and sealed envelope by registered letter with acknowledgement of receipt, or delivered by hand with receipt:

ENAC, Direzione Generale, via di Villa Ricotti 42, I-00161 Roma.

The date of receipt shall be deemed to be the date of the postmark for registered letters and the date of receipt for hand deliveries.

11. **Validity of the invitation to tender:** In accordance with Article 4(1)(d) of Council Regulation (EEC) No 2408/92, the validity of this invitation to tender is subject to the condition that no Community carrier agrees to operate the route in accordance with the public service obligation within 30 days of its publication in the 'Official Journal of the European Communities' C 119 of 22.5.2002, without requesting any financial compensation.

Operation of scheduled air services

Invitation to tender published by Italy pursuant to Article 4(1)(d) of Council Regulation (EEC) No 2408/92 for the operation of scheduled air services between Lampedusa and Catania

(2002/C 120/13)

(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, in accordance with the decisions of the Inter-services Conference chaired by the Region of Sicily, the Italian Ministry of Infrastructure and Transport has decided to impose a public service obligation on scheduled air services between:

— Lampedusa and Catania.

The terms of this public service obligation were published in the *Official Journal of the European Communities* C 119 of 22.5.2002.

Insofar as within 30 days of its publication no air carrier has commenced or is about to commence scheduled air services on the abovementioned route in accordance with the public service obligation imposed and without requesting financial compensation, a single carrier will be selected, under this tender procedure in accordance with Article 4(1)(d) of the abovementioned Regulation, to operate the air services on that route.

2. **Object of the invitation to tender:** The operation of scheduled air services in accordance with the public service obligation imposed on that route and published in the *Official Journal of the European Communities* C 119 of 22.5.2002.
3. **Participation and tender procedure:** Participation is open to all air carriers who hold 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.

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

4. **Tender dossier — concession agreement:** The conditions for taking part in the call for tender and the award criteria are set out in the tender dossier which constitutes an integral part of this tender procedure.

The concession of the service will be governed by an agreement based on a model which may be obtained,

together with the tender dossier and any other relevant information, from the following address:

ENAC, Area Trasporto Aereo, Piazzale degli Archivi, 41, I-00144 Roma. Tel.: 06 54 84 322/327.

5. **Financial compensation:** Tenders must explicitly state the amount of compensation required for operating the service for two years from the scheduled starting date, accounted on an annual basis. The exact amount of compensation finally granted shall 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.

The annual instalments will be made in the form of instalments and a balance. The balance will be paid only after approval of the carrier's accounts for the route in question and verification that the service has been operated in accordance with the conditions laid down in Article 7 below.

6. **Fares:** Tenders must indicate the proposed fare structure in accordance with the public service obligation published in the *Official Journal of the European Communities* C 119 of 22.5.2002.
7. **Duration of the contract:** The contract shall run for two years, with the option to extend for a further twelve months, from the date on which the scheduled air service on the route in question will commence operation in accordance with the public service obligation imposed.

The operation of the contracted service and the carrier's cost accounting shall be the subject of an annual examination in cooperation with the carrier. No changes shall be made to the service provided without an additional agreement.

8. **Termination of contract and notice:** The parties must give six months' formal notice before terminating the contract. If the carrier fails to respect the public service obligation, it shall be deemed to have terminated the contract without notice if it does not resume the service in accordance with the public service obligation within one month of being served formal notice.

If, after the first two seasons of operation, less than 50 % of the capacity offered is used, the Italian civil aviation authority (ENAC) may reduce the frequency and/or minimum capacity laid down and adjust the financial compensation accordingly.

Failure by the carrier to observe the period of notice referred to in the first paragraph shall be subject to a penalty calculated on the basis of the number of days of default and the deficit recorded on the route over the year in question. In no case shall the penalty be greater than the amount of financial compensation referred to in Article 5.

9. **Failure to fulfil the contract:** The carrier is responsible for seeing that the obligations incurred under the contract are strictly carried out. In the event the carrier fails to fulfil its contractual obligations wholly or in part for reasons other than force majeure or abnormal or unforeseeable events beyond the carrier's control, or which it could not reasonably avoid, the contract may be terminated after giving formal notice to the carrier within ten days of learning of the event. After receiving formal notice, the carrier is allowed up to seven days to justify its position.

This shall be without prejudice to the right to reduce the amount of financial compensation as provided for in the fourth paragraph below and any action for damages.

The contract shall be terminated automatically when the number of flights cancelled for reasons directly attributable to the carrier exceeds 2 % of the number of flights scheduled for the service concerned in any scheduling season.

If the service is interrupted in any way, the amount of financial compensation shall be revised in proportion to the number of flights not carried out, without prejudice to any subsequent claim for compensation for damages.

If the contract is terminated, ENAC may require the carrier to continue the service, on an interim basis under the same conditions or select a new operator.

In the event that the carrier is prevented from operating the service on the route in question on account of:

- dangerous weather conditions;
- closure of one of the airports;
- issues of public safety;
- industrial action;
- security problems;
- or force majeure,

the amount of financial compensation shall be reduced in proportion to the number of flights not carried out.

10. **Presentation of tenders:** Tenders must reach the following address no later than 30 days after the date of publication of this invitation to tender in the Supplement to the *Official Journal of the European Communities* in a closed and sealed envelope by registered letter with acknowledgement of receipt, or delivered by hand with receipt:

ENAC, Direzione Generale, via di Villa Ricotti 42, I-00161 Roma.

The date of receipt shall be deemed to be the date of the postmark for registered letters and the date of receipt for hand deliveries.

11. **Validity of the invitation to tender:** In accordance with Article 4(1)(d) of Council Regulation (EEC) No 2408/92, the validity of this invitation to tender is subject to the condition that no Community carrier agrees to operate the route in accordance with the public service obligation within 30 days of its publication in the *Official Journal of the European Communities* C 119 of 22.5.2002, without requesting any financial compensation.