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⁽¹⁾ Text with EEA relevance

I

(Information)

COMMISSION

Euro exchange rates ⁽¹⁾

23 March 2006

(2006/C 72/01)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,2055	SIT	Slovenian tolar	239,60
JPY	Japanese yen	141,12	SKK	Slovak koruna	37,438
DKK	Danish krone	7,4614	TRY	Turkish lira	1,6107
GBP	Pound sterling	0,69175	AUD	Australian dollar	1,6783
SEK	Swedish krona	9,3525	CAD	Canadian dollar	1,4049
CHF	Swiss franc	1,5770	HKD	Hong Kong dollar	9,3540
ISK	Iceland króna	86,06	NZD	New Zealand dollar	1,9183
NOK	Norwegian krone	7,9670	SGD	Singapore dollar	1,9490
BGN	Bulgarian lev	1,9558	KRW	South Korean won	1 175,97
CYP	Cyprus pound	0,5757	ZAR	South African rand	7,5537
CZK	Czech koruna	28,683	CNY	Chinese yuan renminbi	9,6797
EEK	Estonian kroon	15,6466	HRK	Croatian kuna	7,3398
HUF	Hungarian forint	263,00	IDR	Indonesian rupiah	10 867,58
LTL	Lithuanian litas	3,4528	MYR	Malaysian ringgit	4,449
LVL	Latvian lats	0,6960	PHP	Philippine peso	61,649
MTL	Maltese lira	0,4293	RUB	Russian rouble	33,4760
PLN	Polish zloty	3,8805	THB	Thai baht	47,075
RON	Romanian leu	3,5076			

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

Authorisation for State aid pursuant to Articles 87 and 88 of the EC Treaty
Cases where the Commission raises no objections

(2006/C 72/02)

Date of decision: 26.7.2004

Member State: Germany

Aid number: N 213/2004

Title: ERDF Risk Capital Fund Schleswig-Holstein

Objective: The measure intends to address the lack of equity funding for SMEs in Schleswig-Holstein.

Budget: EUR 15 million (Total volume of the fund)

Duration: 31.12.2018

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/

Budget: Overall aid amount planned: LVL 50 Million

Maximum aid intensity: 30-65 %

Duration: End date: 31.12.2006

Other information: Aid scheme — Direct grant

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: 6.10.2004

Member State: Ireland — Dublin (South and East region of Ireland)

Aid number: N 214/2004

Title: R&D aid to Bell Laboratories in Dublin

Objective: R&D aid (Micro-electronics)

Legal basis: Section 29 of the Industrial Development Act 1986 (as amended in 2003). Number 30 of 2003 (14 July 2003)

Budget: EUR 21,66 million

Intensity or amount: 50 %

Duration: five years

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: 1.12.2004

Member State: Spain

Aid number: N 415/2004

Title: Promotion of technical research in the textile sector.

Objective: The scheme aims at granting aid to promote any industrial research and technological development projects increasing the technological capacity of firms in the textile sector. (Textile sector and clothing industry)

Legal basis: Anteproyecto de Orden por la que se establecen las bases reguladoras, el régimen de ayudas y su gestión para la concesión de ayudas en el marco del Programa de Fomento de la Investigación Técnica para el Sector Textil/Confección (2005-2007)

Budget: EUR 90,95 million total budget

Intensity or amount:

Up to 50 % for industrial research projects.

Up to 25 % for pre-competitive development activities.

Up to 75 % for viability studies previous to industrial research projects.

Up to 50 % for viability studies previous to pre-competitive development activities.

The regional bonus is also applicable.

Duration: 1.1.2005 — 31.12.2007

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: 24.11.2005

Aid number: N 255/2005

Member State: Latvia

Title: Atbalsts komercdarbības infrastruktūras modernizācijai

Objective: Regional development [All sectors]

Legal basis: Noteikumi par komercdarbības atbalsta sniegšanas nosacījumiem valsts atbalsta programmai 'Atbalsts komercdarbības infrastruktūras modernizācijai'

Date of adoption: 28.12.2005

Member States: Sweden

Aid number: N588/2005

Title: Prolongation of the Manufacturing Industry's Tax Reliefs — CO₂ and Energy Taxes on Fossil Fuels

Objective: Competitiveness of Swedish Manufacturing Sector (Energy)

Legal basis: Lagen (1994:1776) om skatt på energi (6 a kap. 1 § 9)

Budget: EUR 574 million p.a.; total EUR 3 445 million

Duration: 6 years

Further information: Annual reports

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: 28.12.2005

Member States: Sweden

Aid number: N594/2005

Title: Prolongation and Amendments to CO₂ and Energy Tax Reliefs for Heat Production in CHP's (Sweden)

Objective: Competitiveness of certain CHP's (district heating)

Legal basis: Lagen (1994:1776) om skatt på energi (6 a kap. 3 §)

Budget: EUR 177 million p.a.; total EUR 1 085 million

Duration: 6 years

Further information: Annual reports

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: 28.12.2005

Member States: Sweden

Aid number: N595/2005

Title: Prolongation of the Energy Intensive Industry's CO₂ Tax Reliefs into 2006

Objective: Competitiveness of energy-intensive business in the manufacturing sector

Legal basis: Lagen (1994:1776) om skatt på energi (9 kap. 9 §)

Budget: EUR 17 million in total

Duration: 1 year

Further information: Annual reports

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: 28.12.2005

Member States: Sweden

Aid number: N596/2005

Title: Prolongation of the Manufacturing Industry's Tax Reliefs on Electricity

Objective: Competitiveness of Swedish Manufacturing Sector

Legal basis: Lagen (1994:1776) om skatt på energi (11 kap. 3 §)

Budget: EUR 1 029 million p.a.; total EUR 6 298

Duration: 6 years

Further information: Annual reports

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/

Imposition of public service obligations on scheduled air services within Italy

(2006/C 72/03)

(Text with EEA relevance)

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 proposal put forward by the Autonomous Region of Sardinia, the Italian Government has decided to impose public service obligations on scheduled air services on certain routes between Sardinian airports and the main national airports.

The insularity of Sardinia significantly limits the scope for connections, which is why air transport has a fundamental and irreplaceable role for which there are no valid comparable alternatives.

Consequently, scheduled air services are considered to be public-interest services which are vital for the economic and social development of the island to guarantee both the freedom of movement of persons and their right to travel freely.

1. ROUTES CONCERNED AND GENERAL PROVISIONS RELATING TO THE SERVICE OBLIGATIONS

1.1. The routes concerned by the imposition of public service obligations are as follows:

Alghero — Rome and return

Alghero — Milan and return

Cagliari — Rome and return

Cagliari — Milan and return

Olbia — Rome and return

Olbia — Milan and return

In accordance with Regulation (EEC) No 2408/92, Rome as a destination is to be understood as the Rome airport system, comprising Rome-Fiumicino and Rome-Ciampino, and Milan as a destination is to be understood as the Milan airport system, comprising Milan-Linate, Milan-Malpensa and Bergamo-Orio al Serio.

1.2. In accordance with Article 9 of Regulation (EEC) No 95/93 of 18 January 1993, as amended by Regulation (EC) No 793/2004, relating to common rules for the allocation of slots at Community airports, the competent authorities may reserve certain slots for services in accordance with these obligations. Subject to slot availability, at least 50 % of the connections scheduled from the Sardinian airports and Rome and Milan must be operated from and to Fiumicino and from and to Linate.

1.3. The two routes Alghero — Rome and Alghero — Milan and the two routes Olbia — Rome and Olbia — Milan each constitute a single package which must be accepted in their entirety and as a whole by the carriers concerned without any compensation of any kind or origin. The routes Cagliari — Rome and Cagliari — Milan, on the other hand, must be accepted individually, in their entirety and as a whole by the carriers concerned without any compensation of any kind or origin.

1.4. Each individual carrier which accepts the public service obligations shall provide a performance security for the purpose of guaranteeing the correct performance and continuation of the service. That security shall amount to at least 5 % of the total estimated turnover evaluated by ENAC (the Italian National Civil Aviation Authority) for the air services scheduled for the package of routes in question. The security shall be payable to ENAC, which will use it to ensure the continuation of the services concerned in the event of unjustified abandonment, and shall consist of a first request bank surety (50 %) and an insurance surety (for the remaining 50 %).

1.5. ENAC, acting in agreement with the Autonomous Region of Sardinia, will verify whether the accepting carriers possess the requisite structure and meet the minimum requirements for access to the service in order to determine whether the objectives pursued by the imposition of the public service obligations will be satisfied. On conclusion of this verification, the carriers which are considered to be suitable to perform the services concerned will be allowed to do so.

1.6. To avoid the overcapacity which would result if several carriers were to accept a route subject to the obligations, considering the infrastructure limitations and conditions of the airports involved, ENAC, at the behest of the Autonomous Region of Sardinia, has the task of intervening in the public interest to control the accepting carriers' operating programmes so as to ensure that they are completely in line with the travel requirements underlying the obligations imposed.

Such intervention should be aimed at a fair redistribution of routes and frequencies between the accepting carriers on the basis of the volumes of traffic on the routes (and packages of routes) in question, ascertained for each of them over the previous two years.

1.7. In order to be able to accept the service obligations on each of the above routes or packages of routes, each accepting carrier must meet the following minimum requirements:

1. be a Community air carrier in possession of the AOC and the required licence in accordance with Regulation (EEC) No 2407/92,
2. demonstrate that they possess the necessary financial capacity to guarantee meeting the objectives pursued with the imposition of public service obligations, with a turnover from air traffic in the year preceding the imposition of these obligations at least equal to the total for the routes or packages of routes accepted, or an equivalent capitalisation;
3. demonstrate that they have at their disposal, either in their ownership or on lease guaranteed for the entire period of duration of the obligations, an adequate number of aircraft consistent with the number of first flights in the morning leaving Sardinia, as provided for in the obligations imposed, and in general an adequate number of aircraft with the requisite seating capacity to satisfy the requirements of the obligations imposed;
4. employ on the routes concerned personnel who speak Italian fluently and correctly;
5. distribute and sell tickets with at least one of the principal CRS (Amadeus, Galileo, Sabre, World Span) by internet, by telephone, at airport ticket counters, and through the travel agency system, at least one of the methods listed being without any charge to the purchasers;
6. self-certify having obtained during the period from 1 January 2004 to 31 December 2004 a total regularity coefficient equal to at least 98 % and an on-time coefficient (on the basis of IATA's statistical conventions) of at least 80 % to within 15 minutes;
7. provide the performance security as described in Point 1.4.

1.8. In order to guarantee the objectives of continuity, reliability, punctuality and security of service, the carriers which intend to accept the service obligations shall provide ENAC with the appropriate documents (in Italian or English) attesting to possession of the abovementioned minimum requirements as well as the organisational, technical, and financial resources needed for the service.

1.9. The carriers which accept the present public service obligations undertake to observe and apply domestic, international and Community law with regard to the protection of passengers, in cases of physical damage, overbooking, late flights, cancelled flights, lost baggage, late arrived baggage, and damaged baggage; they also undertake to apply the Community rules of Regulation (EC) No 261/2004, which entered into force on 17 February 2005, concerning overbooking, flight cancellations and delays, with particular regard to the rights of disabled passengers and passengers with reduced mobility. By accepting the present obligations, the carriers at the same time commit themselves to ensuring that their conduct vis-à-vis air passengers and consumers conforms to the principles contained in the Charter of European and Italian Passengers' Rights.

2. ORGANISATION OF THE PUBLIC SERVICE OBLIGATIONS

2.1. The public service obligations are organised taking into consideration the special conditions arising from Sardinia's insularity; in terms of the number of minimum frequencies and capacity offered the obligations are as follows:

2.1.1. On the Alghero — Rome route

(a) *Daily minimum frequency*

On the Alghero — Rome route, at least 3/4 (*) outward flights and 3/4 (*) return flights shall be guaranteed from 1 October to 31 May, and at least 5/6 (*) outward flights and 5/6 (*) return flights shall be guaranteed from 1 June to 30 September (plus the Christmas and Easter periods).

(*) The number of scheduled flights marked with an asterisk (*) may vary within the season according to the period and day of the week. The flight schedule organised by period and days of the week shall be arranged in advance by the companies which have accepted the obligations. Such flight schedules shall aim to satisfy demand fully and shall be lodged with ENAC by the carriers which have accepted the service obligations at least 15 days prior to the beginning of each scheduling season and shall also be communicated to the Autonomous Region of Sardinia. The service must be direct without any intermediate stopover.

(b) *Flight times*

On the Alghero — Rome route, there shall be guaranteed at least

1 flight between 07.00 and 07.45

1 flight between 13.30 and 15.30

1 flight between 19.30 and 22.30

On the Rome — Alghero route, there shall be guaranteed at least

1 flight between 07.00 and 08.30

1 flight between 13:30 and 15:30

1 flight between 19.30 and 22.30

(c) *Offered capacity*

The daily offered capacity is determined taking into consideration the different frequencies provided during the two periods as described in the obligations.

The daily minimum capacity offered during the period from 1 October to 31 May shall be 450 seats on the Alghero — Rome route and 450 seats on the Rome — Alghero route.

The daily minimum capacity offered during the period from 1 June to 30 September (including the Christmas and Easter periods) shall be 750 seats on the Alghero — Rome route and 750 seats on the Rome — Alghero route.

If the total daily load factor for the scheduled flights exceeds 80 %, the carriers accepting the route may be authorised by ENAC, in agreement with the Autonomous Region of Sardinia, to introduce additional flights or use aircraft with a greater capacity in order to satisfy the demand, without any charge to the Administration.

If the total daily load factor for the scheduled flights is less than 50 %, the carriers accepting the route may be authorised by ENAC, in agreement with the Autonomous Region of Sardinia, to use aircraft with a smaller capacity and/or bring supply into line with demand.

2.1.2. On the Alghero — Milan Route:**(a) Daily minimum frequency**

On the Alghero — Milan route, at least three outward flights and three return flights shall be guaranteed from 1 October to 31 May, and at least 4/5 (*) outward flights and 4/5 (*) return flights shall be guaranteed from 1 June to 30 September (plus the Christmas and Easter periods).

(*) The number of scheduled flights marked with an asterisk (*) may vary within the season according to the period and day of the week. The flight schedule organised by period and days of the week shall be arranged in advance by the companies which have accepted the public service obligations. Such flight schedules shall aim to satisfy demand fully and shall be lodged with ENAC by the carriers which have accepted the public service obligations at least 15 days prior to the beginning of each scheduling season and shall also be communicated to the Autonomous Region of Sardinia. The service must be direct without any intermediate stopover.

(b) Flight times

On the Alghero — Milan route, there shall be guaranteed at least

1 flight between 07.00 and 07.45

1 flight between 13.30 and 15.30

1 flight between 19.30 and 22.30

On the Milan — Alghero route, there shall be guaranteed at least

1 flight between 07.00 and 08.30

1 flight between 13:30 and 15:30

1 flight between 19.30 and 22.30

(c) Offered capacity

The daily offered capacity is determined taking into consideration the different frequencies provided during the two periods as described in the service obligations.

The daily minimum capacity offered during the period from 1 October to 31 May shall be 450 seats on the Alghero — Milan route and 450 seats on the Milan — Alghero route.

The daily minimum capacity offered during the period from 1 June to 30 September (plus the Christmas and Easter periods) shall be 600 seats on the Alghero — Milan route and 600 seats on the Milan — Alghero route.

If the total daily load factor for the scheduled flights exceeds 80 %, the carriers accepting the route may be authorised by ENAC, in agreement with the Autonomous Region of Sardinia, to introduce additional flights or use aircraft with a greater capacity in order to satisfy the demand, without any charge to the Administration.

If the total daily load factor for the scheduled flights is less than 50 %, the carriers accepting the route may be authorised by ENAC, in agreement with the Autonomous Region of Sardinia, to use aircraft with a smaller capacity and/or bring supply into line with demand.

2.1.3. On the Cagliari — Rome route:**(a) Daily minimum frequency**

On the Cagliari — Rome route, at least 9/10 (*) outward flights and 9/10 (*) return flights shall be guaranteed from 1 October to 31 May, and at least 12/14 (*) outward flights and 12/14 (*) return flights shall be guaranteed from 1 June to 30 September (plus the Christmas and Easter periods).

(*) The number of scheduled flights marked with an asterisk (*) may vary within the season according to the period and day of the week. The flight schedule organised by period and days of the week shall be arranged in advance by the companies which have accepted the public service obligations. Such flight schedules shall aim to satisfy demand fully and shall be lodged with ENAC by the carriers which have accepted the public service obligations at least 15 days prior to the beginning of each scheduling season and shall also be communicated to the Autonomous Region of Sardinia. The service must be direct without any intermediate stopover.

(b) *Flight times*

On the Cagliari — Rome route, there shall be guaranteed at least

3 flights between 06:30 and 09:30

2 flights between 12.30 and 15.30.

2 flights between 19.30 and 22:30.

On the Rome — Cagliari route, there shall be guaranteed at least

2 flights between 06:30 and 09:30

2 flights between 12.30 and 15.30.

3 flights between 19.30 and 22:30.

(c) *Offered capacity*

The daily offered capacity is determined taking into consideration the different frequencies provided during the two periods as described in the service obligations.

The daily minimum capacity offered during the period from 1 October to 31 May shall be 1 350 seats on the Cagliari — Rome route and 1 350 seats on the Rome — Cagliari route.

The daily minimum capacity offered during the period from 1 June to 30 September (plus the Christmas and Easter periods) shall be 1 800 seats on the Cagliari — Rome route and 1 800 seats on the Rome — Cagliari route.

If the total daily load factor for the scheduled flights exceeds 80 %, the carriers accepting the route may be authorised by ENAC, in agreement with the Autonomous Region of Sardinia, to introduce additional flights or use aircraft with a greater capacity in order to satisfy the demand, without any charge to the Administration.

If the total daily load factor for the scheduled flights is less than 50 %, the carriers accepting the route may be authorised by ENAC, in agreement with the Autonomous Region of Sardinia, to use aircraft with a smaller capacity and/or bring supply into line with demand.

2.1.4. On the Cagliari — Milan route:

(a) *Daily minimum frequency*

On the Cagliari — Milan route, at least 5/6 (*) outward flights and 5/6 (*) return flights shall be guaranteed from 1 October to 31 May, and at least 8/10 (*) outward flights and 8/10 (*) return flights shall be guaranteed from 1 June to 30 September (plus the Christmas and Easter periods).

(*) The number of scheduled flights marked with an asterisk (*) may vary within the season according to the period and day of the week. The flight schedule organised by period and days of the week shall be arranged in advance by the companies which have accepted the public service obligations. Such flight schedules shall aim to satisfy demand fully and shall be lodged with ENAC by the carriers which have accepted the public service obligations at least 15 days prior to the beginning of each scheduling season and shall also be communicated to the Autonomous Region of Sardinia. The service must be direct without any intermediate stopover.

(b) *Flight times*

On the Cagliari — Milan route, there shall be guaranteed at least

2 flights between 06.30 and 08.30.

1 flight between 13.00 and 15.30

2 flights between 19.30 and 22.30.

On the Milan — Cagliari route, there shall be guaranteed at least

2 flights between 07:00 and 09:00

1 flight between 13:30 and 15:30

2 flights between 19.30 and 22.30.

(c) *Offered capacity*

The daily offered capacity is determined taking into consideration the different frequencies provided during the two periods as described in the service obligations.

The daily minimum capacity offered during the period from 1 October to 31 May shall be 750 seats on the Cagliari-Milan route and 750 seats on the Milan-Cagliari route.

The daily minimum capacity offered during the period from 1 June to 30 September (including the Christmas and Easter periods) shall be 1 200 seats on the Cagliari-Milan route and 1 200 seats on the Milan-Cagliari route.

If the total daily load factor for the scheduled flights exceeds 80 %, the carriers accepting the route may be authorised by ENAC, in agreement with the Autonomous Region of Sardinia, to introduce additional flights or use aircraft with a greater capacity in order to satisfy the demand, without any charge to the Administration.

If the total daily load factor for the scheduled flights is less than 50 %, the carriers accepting the route may be authorised by ENAC, in agreement with the Autonomous Region of Sardinia, to use aircraft with a smaller capacity and/or bring supply into line with demand.

2.1.5. On the Olbia — Rome route:

(a) *Daily minimum frequency*

On the Olbia — Rome route, at least 3/4 (*) outward flights and 3/4 (*) return flights shall be guaranteed from 1 October to 31 May, and at least 5/9 (*) outward flights and 5/9 (*) return flights shall be guaranteed from 1 June to 30 September (plus the Christmas and Easter periods).

(*) The number of scheduled flights marked with an asterisk (*) may vary within the season according to the period and day of the week. The flight schedule organised by period and days of the week shall be arranged in advance by the companies which have accepted the public service obligations. Such flight schedules shall aim to satisfy demand fully and shall be lodged with ENAC by the carriers which have accepted the public service obligations at least 15 days prior to the beginning of each scheduling season and shall also be communicated to the Autonomous Region of Sardinia. The service must be direct without any intermediate stopover.

(b) *Flight times*

On the Olbia — Rome route, there shall be guaranteed at least

1 flight between 07.00 and 07.45

1 flight between 13.30 and 15.30

1 flight between 19.30 and 22.30

On the Rome — Olbia route, there shall be guaranteed at least

1 flight between 07.00 and 08.30

1 flight between 13:30 and 15:30

1 flight between 19.30 and 22.30

(c) *Offered capacity*

The daily offered capacity is determined taking into consideration the different frequencies provided during the two periods as described in the service obligations.

The daily minimum capacity offered during the period from 1 October to 31 May shall be 450 seats on the Olbia — Rome route and 450 seats on the Rome — Olbia route.

The daily minimum capacity offered during the period from 1 June to 30 September (plus the Christmas and Easter periods) shall be 750 seats on the Olbia — Rome route and 750 seats on the Rome — Olbia route.

If the total daily load factor for the scheduled flights exceeds 80 %, the carriers accepting the route may be authorised by ENAC, in agreement with the Autonomous Region of Sardinia, to introduce additional flights or use aircraft with a greater capacity in order to satisfy the demand, without any charge to the Administration.

If the total daily load factor for the scheduled flights is less than 50 %, the carriers accepting the route may be authorised by ENAC, in agreement with the Autonomous Region of Sardinia, to use aircraft with a smaller capacity and/or bring supply into line with demand.

2.1.6. On the Olbia — Milan route:

(a) *Daily minimum frequency*

On the Olbia — Milan route, at least 2/3 (*) outward flights and 2/3 (*) return flights shall be guaranteed from 1 October to 31 May, and at least 7/13 (*) outward flights and 7/3 (*) return flights shall be guaranteed from 1 June to 30 September (plus the Christmas and Easter periods).

(*) The number of scheduled flights marked with an asterisk (*) may vary within the season according to the period and day of the week. The flight schedule organised by period and days of the week shall be arranged in advance by the companies which have accepted the public service obligations. Such flight schedules shall aim to satisfy demand fully and shall be lodged by the carriers which have accepted the public service obligations at least 15 days prior to the beginning of each scheduling season with ENAC and shall also be communicated to the Autonomous Region of Sardinia. The service must be direct without any intermediate stopover.

(b) *Flight times*

On the Olbia-Milan route, there shall be guaranteed at least

1 flight between 07.00 and 07.45

1 flight between 13.30 and 15.30

1 flight between 19.30 and 22.30

On the Milan-Olbia route, there shall be guaranteed at least

1 flight between 07:00 and 08:30

1 flight between 13:30 and 15:30

1 flight between 19.30 and 22.30

(c) *Offered capacity*

The daily offered capacity is determined taking into consideration the different frequencies provided during the two periods as described in the service obligations.

The daily minimum capacity offered during the period from 1 October to 31 May shall be 300 seats on the Olbia-Milan route and 300 seats on the Milan-Olbia route.

The daily minimum capacity offered during the period from 1 June to 30 September (including the Christmas and Easter periods) shall be 1 050 seats on the Olbia-Milan route and 1 050 seats on the Milan-Olbia route.

If the total daily load factor for the scheduled flights exceeds 80 %, the carriers accepting the route may be authorised by ENAC, in agreement with the Autonomous Region of Sardinia, to introduce additional flights or use aircraft with a greater capacity in order to satisfy the demand, without any charge to the Administration.

If the total daily load factor for the scheduled flights is less than 50 %, the carriers accepting the route may be authorised by ENAC, in agreement with the Autonomous Region of Sardinia, to use aircraft with a smaller capacity and/or bring supply into line with demand.

3. TYPE OF AIRCRAFT TO BE USED ON EACH ROUTE

The aircraft to be used on the routes

Alghero — Roma — Alghero

Alghero — Milan — Alghero

Cagliari — Roma — Cagliari

Cagliari — Milan — Cagliari

Olbia — Roma — Olbia

Olbia — Milan — Olbia

shall each have a minimum capacity of 150 seats.

3.1. The entire capacity of each aircraft to be used, even if it exceeds the minimum limit provided above, shall be offered for sale for each flight in accordance with the imposed public service obligations without any seating restrictions for residents and/or non-residents. By the same token, bookings and additions to waiting lists must be accepted without discrimination against the category of passenger envisaged by the service obligations.

3.2. Any practices designed to get around this requirement, in particular the refusal to issue tickets at a concessionary fare notwithstanding the seating availability on the aircraft, shall be considered a serious breach of the obligations imposed.

4. FARES

4.1. The fare structure for all the routes concerned must include:

- a maximum concessionary fare which is the maximum price applicable to passengers who belong to a favoured category as described below,
- a maximum non-concessionary fare which is the maximum price applicable to all passengers who do not belong to a favoured category. Any carriers which accept the public service obligations undertake to structure the fares according to the different groups so as to guarantee the sale of an adequate number of special and discount tickets resulting in an average sales price significantly lower than the maximum non-concessionary fare.

The fares shall be structured as follows:

Route concerned	Maximum concessionary fare (EUR)	Maximum non-concessionary fare (EUR)
Alghero — Rome	45,00	100,00
Alghero — Milan	55,00	115,00
Cagliari — Rome	45,00	100,00
Cagliari — Milan	55,00	115,00
Olbia — Rome	45,00	100,00
Olbia — Milan	55,00	115,00

4.2. All the fares indicated shall include VAT and shall be net of airport taxes and charges and of the crisis surcharge of which the maximum allowable amount is EUR 6,00. Whenever the conditions which brought about the levying of the crisis surcharge no longer apply or become less significant, such crisis surcharge shall be removed or proportionately reduced. No other charges of whatever kind regardless of their designation shall be applied to the fares indicated.

4.3. The concessionary fare shall be unlimited and unrestricted and shall not be subject to penalties for changes of date/time/ticket or for reimbursement.

4.4. At least one form of ticket distribution and sale must be provided which is entirely free of charge and places no additional economic burden on passengers.

4.5. Every year, beginning on 1 January 2007, the competent authorities shall review the fares indicated on the basis of the inflation rate for the preceding year calculated according to the general ISTAT/FOI consumer price index. The revision shall be communicated to all the carriers which operate on the routes concerned applying the fares in question and to the European Commission for publication in the Official Journal of the European Union.

4.6. As from the second half of 2006, if the average cost of fuel and/or the average euro/US dollar exchange rate varies by more than 5 %, the fares shall be revised in proportion to such variation and to the effect of the cost of fuel on the carrier's operating costs. The Minister for Infrastructure and Transport, after consultation with the Autonomous Region of Sardinia and on the basis of an inquiry carried out by a Joint Technical Committee consisting of a representative appointed by the Ministry of Infrastructure and Transport, ENAC and the Autonomous Region of Sardinia respectively, shall adjust the fares.

In the event of an increase in excess of the indicated percentage, the said Joint Technical Committee shall initiate the procedure for deciding on an adjustment upon receiving notice from the carriers operating on the routes concerned. In the event of a decrease, the procedure shall be initiated automatically. During the abovementioned inquiry, the carriers operating the routes concerned must be given an opportunity to comment. Any adjustment to fares shall take effect from the six-month period following that in which it is decided.

4.7. Increases in fares by any organisation and of whatever nature decided outside the abovementioned procedure shall be considered unlawful.

4.8. Concessionary fares as specified above must be applied at least to:

- residents of Sardinia;
- persons born in Sardinia even if they do not reside in Sardinia;
- disabled persons (*);
- young persons aged 2 to 21 years (*);
- elderly persons aged over 70 years (*),
- university students until they reach 27 years of age (*).

(*) Without any discrimination with regard to place of birth, residence and nationality.
Children younger than two years of age travel free provided they do not occupy a seat.

5. CONTINUITY OF SERVICES

In accordance with Article 4(1)(c) of Regulation (EEC) No 2408/92, the carrier which accepts the public service obligations shall guarantee the service for a period of at least **36 consecutive months** and shall not suspend the service without giving at least six-months' prior notice to ENAC and the Autonomous Region of Sardinia.

5.1. For the purpose of guaranteeing the continuity, regularity and punctuality of the service, the carriers which accept the public service obligation must:

- operate 98 % of the flights provided for in the operating programmes, with a maximum cancellation margin of 2 %;
- pay the regulatory body EUR 2 500 in respect of each flight cancelled in excess of the 2 % annual cancellation limit. The sums received in this connection shall be allocated to the territorial continuity heading of the budget of Sardinia .
- operate 85 % of each year's flights to within 20 minutes of the established timetable;
- compensate each passenger for every delay of more than 20 minutes with a credit of EUR 15,00 to be put towards the purchase of another ticket.

5.2. The abovementioned rules shall not apply to cancelled flights and flights delayed due to weather conditions, strikes or events beyond the control and/or responsibility of the carrier.

6. SANCTIONS

Suspension of the service without prior notice or with prior notice but contrary to the abovementioned rules shall be subject to administrative and pecuniary sanctions, the amounts of which will take into account the damage caused to the public authorities and the damage caused to passengers.

6.1. In order to guarantee proper observance of these obligations by the carriers which accept them, a Joint Monitoring Committee shall be established, under the aegis of the Transport Council of the Autonomous Region of Sardinia, to monitor the performance of the public service obligations (hereinafter 'the Joint Monitoring Committee') consisting of one member appointed by the Regional Transport Minister; one member appointed by the Ministry of Infrastructure and Transport; one member appointed by ENAC; and one member appointed by each carrier which has accepted the public service obligations.

6.2. The Joint Monitoring Committee shall:

- be chaired by the Regional Transport Minister and shall regularly meet once every three months, except in cases of emergency as decided by its Chairman,
- consider the information collected by the Administration of the Airport Districts of Sardinia, by the airport management companies, by individual citizens or by consumer groups with respect to performance of the public service obligations,
- determine possible breaches of public service obligations, note such breaches and propose to ENAC the measures to be adopted to restore the service and, where appropriate, impose sanctions, suggesting the type and the amount of such sanctions.

7. VALIDITY

The public service obligations contained in this Annex shall become mandatory on 2 May 2006 and shall expire on 1 May 2009).

8. ACCEPTANCE

Any carriers which intend to accept the public service obligations contained in the present document must submit, within 30 days of publication in the *Official Journal of the European Union* of the Commission notice relating to the imposition of those obligations, formal acceptance to the Ente Nazionale per l'Aviazione Civile (Italian National Civil Aviation Authority).

Prior notification of a concentration
(Case COMP/M.4162 — Merck/Schering)

(2006/C 72/04)

(Text with EEA relevance)

1. On 16 March 2006, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 ⁽¹⁾ by which the undertaking Merck KgaA ('Merck', Germany) acquires within the meaning of Article 3(1)(b) of the Council Regulation control of the undertaking Schering Aktiengesellschaft ('Schering', Germany) by way of tender offer.
2. The business activities of the undertakings concerned are:
 - for undertaking Merck: a global research-based pharmaceutical and chemical company;
 - for undertaking Schering: a global research-based pharmaceutical company.
3. On preliminary examination, the Commission finds that the notified transaction could fall within the scope of Regulation (EC) No 139/2004. However, the final decision on this point is reserved.
4. The Commission invites interested third parties to submit their possible observations on the proposed operation to the Commission.

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent to the Commission by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference number COMP/M.4162 — Merck/Schering, to the following address:

European Commission
Competition DG
Merger Registry
J-70
B-1049 Brussels

⁽¹⁾ OJ L 24, 29.1.2004, p. 1.

Notice concerning a request in accordance with Article 30 of Directive 2004/17/EC — Extension of the period

Request made on behalf of a Member State

(2006/C 72/05)

On 20 February 2006 the Commission received a request in accordance with Article 30(4) of Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors ⁽¹⁾.

This request, which comes from the Republic of Finland, concerns the production (including combined heat and power) and sale of electricity in that country. The request was published in *Official Journal of the European Union* C 59 of 11.3.2006. The initial period expires on 21 May 2006.

Given that the Commission departments need to obtain and examine further information and in compliance with the provisions laid down in the third sentence of Article 30(6), the period within which the Commission must take a decision on this request is extended by one month.

The final period will therefore expire on 22 June 2006.

⁽¹⁾ OJ L 134, 30.4.2004, p. 1.