

# Official Journal

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### Information and Notices

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## I

(Information)

## COMMISSION

Euro exchange rates <sup>(1)</sup>

23 August 2006

(2006/C 199/01)

1 euro =

Currency	Exchange rate	Currency	Exchange rate		
USD	US dollar	1,2812	SIT	Slovenian tolar	239,59
JPY	Japanese yen	149,09	SKK	Slovak koruna	37,615
DKK	Danish krone	7,4615	TRY	Turkish lira	1,8689
GBP	Pound sterling	0,67730	AUD	Australian dollar	1,6735
SEK	Swedish krona	9,2010	CAD	Canadian dollar	1,4243
CHF	Swiss franc	1,5799	HKD	Hong Kong dollar	9,9649
ISK	Iceland króna	90,08	NZD	New Zealand dollar	2,0027
NOK	Norwegian krone	8,0430	SGD	Singapore dollar	2,0164
BGN	Bulgarian lev	1,9558	KRW	South Korean won	1 224,31
CYP	Cyprus pound	0,5761	ZAR	South African rand	9,0795
CZK	Czech koruna	28,106	CNY	Chinese yuan renminbi	10,2110
EEK	Estonian kroon	15,6466	HRK	Croatian kuna	7,2895
HUF	Hungarian forint	275,65	IDR	Indonesian rupiah	11 658,28
LTL	Lithuanian litas	3,4528	MYR	Malaysian ringgit	4,708
LVL	Latvian lats	0,6959	PHP	Philippine peso	65,751
MTL	Maltese lira	0,4293	RUB	Russian rouble	34,2740
PLN	Polish zloty	3,9045	THB	Thai baht	48,184
RON	Romanian leu	3,5294			

<sup>(1)</sup> Source: reference exchange rate published by the ECB.

**Prior notification of a concentration**  
**(Case COMP/M.4344 — Lactalis/Nestlé)**

(2006/C 199/02)

(Text with EEA relevance)

1. On 14 August 2006, the Commission received a notification of a proposed concentration pursuant to Article 4 of Council Regulation (EC) No 139/2004 <sup>(1)</sup> by which the undertaking Groupe Lactalis S.A. (Lactalis, France) and the undertaking Nestlé S.A. (Nestlé, Switzerland) create, within the meaning of Articles 3(4) and 3(1)(b) of the Council Regulation, a joint venture (hereafter, 'the Undertaking') by way of transfer of assets.

2. The business activities of the undertakings concerned are:

- for Lactalis: food company,
- for Nestlé: food company,
- for the Undertaking: dairy products.

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 (fax No (32-2) 296 43 01 or 296 72 44) or by post, under reference number COMP/M.4344 — Lactalis/Nestlé, to the following address:

European Commission  
Directorate-General for Competition  
Merger Registry  
J-70  
B-1049 Bruxelles/Brussel

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<sup>(1)</sup> OJ L 24, 29.1.2004, p. 1.

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

### Cases where the Commission raises no objections

(2006/C 199/03)

**Date of adoption of the decision:** 27.6.2006

**Member State:** Spain

**Aid No:** N 78/2005, 202/2005, 432/2005 and 152/2006

**Title:** Compensation for damage caused by frosts during the first quarter of 2005

**Objective:** To compensate for the damage caused to farms by the heavy frosts in the first quarter of 2005, which affected plant and tree crops

#### Legal basis:

— Régimen de ayudas del Gobierno central (N 78/2005)

«Real Decreto Ley 1/2005, de 4 de febrero, por el que se adoptan medidas urgentes para paliar los daños ocasionados en el sector agrario por las heladas acaecidas en el mes de enero de 2005», modificado *rationae temporis* por el «Real Decreto Ley 6/2005, de 8 de abril 2005, por el que se establece la aplicación del Real Decreto Ley 1/2005»<sup>(1)</sup>;

— Régimen complementario de la Comunidad Autónoma de Andalucía

«Decreto 56/2005, de 1 de marzo, por el que se adoptan medidas urgentes para paliar los daños producidos en el sector agrario por las heladas ocurridas en el mes de enero de 2005 en Andalucía», modificado *rationae temporis* por el «Decreto 125/2005 de 10 de mayo»<sup>(2)</sup>;

— Régimen complementario de la Comunidad Autónoma de Murcia

«Decreto 22/2005, de 11 de febrero, por el que se establecen ayudas para paliar los daños producidos por las heladas padecidas desde el pasado mes de enero de 2005»<sup>(3)</sup>;

— Régimen complementario de la Comunidad Autónoma de Valencia

«Decreto 22/2005, de 4 de febrero, del Consell de la Generalitat, por el que establecen ayudas para paliar los daños producidos por las heladas ocurridas durante los últimos días del mes de enero 2005», modificado por el «Decreto 37/2005, de 25 de febrero, del Consell de la Generalitat, por el que se modifica el Decreto 22/2005, de 4 de febrero, del Consell de la Generalitat, por el que se establecen ayudas para paliar los daños producidos por las heladas ocurridas durante los últimos días del mes de enero 2005», así como por el «Decreto 75/2005, de 15 de abril, del Consell de la Generalitat, por el que se declaran aplicables las medidas contenidas en el Decreto 22/2005, de 4 de febrero, del Consell de la Generalitat, modificado por el Decreto 37/2005, de 25 de febrero, por el que se establecen ayudas para paliar los daños producidos por las heladas y el pedrisco durante los meses de enero y febrero de 2005, a los daños ocasionados por las heladas que tuvieron lugar durante el mes de marzo de 2005»<sup>(4)</sup>.

**Budget:** The overall budget for the aid scheme provided for at national level by 'Real Decreto-Ley 1/2005' cannot be established as it can vary according to the demand for loans; the budget item provided for for compensation in the form of capital grants totals EUR 24,049 million (N 78/2002). The Autonomous Community of Andalusia has provided for a budget of EUR 20 million (N 202/2005), that of Murcia a budget of EUR 23,420 million and that of Valencia a budget of EUR 30 million

**Aid intensity or amount:** Less than the losses suffered

**Duration:** *Ad hoc* aid

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

[http://ec.europa.eu/community\\_law/state\\_aids/](http://ec.europa.eu/community_law/state_aids/)

<sup>(1)</sup> El Real Decreto Ley 1/2005 se ha aplicado mediante los instrumentos jurídicos siguientes: «Orden APA/1109/2005, de 25 de abril, por la que se delimitan los ámbitos territoriales afectados por las heladas acaecidas durante los meses de enero, febrero y marzo 2005, y se establecen criterios para la aplicación de las líneas de préstamos del Instituto de Crédito Oficial, de conformidad con lo previsto en el Real Decreto Ley 1/2005, de 4 de febrero» (modificado *rationae territoriae* por la «Orden APA/2168/2005, de 30 de junio»), y «Orden APA/1110/2005, de 30 de junio, que modifica el ámbito territorial establecido en la Orden APA/1109/2005, de 25 de abril».

<sup>(2)</sup> El Decreto de la Consejería de Agricultura y Pesca se ha aplicado mediante la «Orden de 1 de junio de 2005, por la que se establecen normas para la aplicación de las medidas para paliar los daños producidos en el sector agrario por las heladas de los meses de enero a marzo de 2005 en desarrollo de las normas que se citan».

<sup>(3)</sup> El Decreto de la Consejería de Agricultura y Agua se ha aplicado mediante el «proyecto de Orden de 12 de mayo de 2005 de la Consejería de Agricultura y Agua, por la que se establecen las bases reguladoras y se convocan ayudas para paliar los daños producidos en la agricultura por las heladas padecidas desde el mes de enero hasta el mes de marzo de 2005».

<sup>(4)</sup> El Decreto 22/2005, de 4 de febrero, del Consell de la Generalitat se ha aplicado mediante los instrumentos jurídicos siguientes: «Orden de 14 de marzo de 2005, de la Conselleria de Agricultura, Pesca y Alimentación, de desarrollo del Decreto 22/2005, de 4 de febrero, del Consell de la Generalitat, por el que se establecen ayudas para paliar los daños producidos por las heladas y el pedrisco ocurridos entre enero y febrero de 2005», «Orden de 15 de abril de 2005, de la Conselleria de Agricultura, Pesca y Alimentación, por la que se modifica la Orden de 14 de marzo de 2005, de la Conselleria de Agricultura, Pesca y Alimentación, de desarrollo del Decreto 22/2005, de 4 de febrero, del Consell de la Generalitat, por el que se establecen ayudas para paliar los daños producidos por las heladas y el pedrisco ocurridos entre enero y febrero de 2005» y «Orden de 18 de mayo de 2005, de la Conselleria de Agricultura, Pesca y Alimentación, por la que adecúan los baremos establecidos en la Orden de 14 de marzo, de la Conselleria de Agricultura, Pesca y Alimentación, de desarrollo del Decreto 22/2005, de 4 de febrero, del Consell de la Generalitat».

**Date of adoption of the decision:** 27.6.2006

**Member State:** Italy (Abruzzi)

**Aid No:** N 86/2006

**Title:** Aid for measures to genetically improve species of zootechnical interest

**Objective:** To step up measures to genetically improve species of zootechnical interest (excluding pigs and poultry)

**Legal basis:** Legge 15 gennaio 1991, n. 30 e Legge regionale 3 marzo 2005, n. 16

**Budget:** EUR 4 million is provided for 2006. The budget for following years will be set by a Regional Budget Law

**Aid intensity or amount:** Variable according to the measure (aid for investment, technical assistance and aid to help maintain and improve the genetic quality of livestock)

**Duration:** 6 years (31 December 2012)

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

[http://ec.europa.eu/community\\_law/state\\_aids/](http://ec.europa.eu/community_law/state_aids/)

**Date of adoption of the decision:** 12.7.2006

**Member State:** The Republic of Latvia

**No of the aid:** N 159/2006

**Title:** Aid for the purchase of breeding material in Latvia — Alteration to Aid N94/2005 Aid for the purchase of breeding material abroad

**Objective:** Investment aid for the purchase of animals of higher genetic quality

**Legal basis:** 1998. gada 5. maija Ciltsdarba likums (*Latvijas Vēstnesis*, 1998. gada 21. aprīlis) un Ministru kabineta 2006. gada 3. janvāra noteikumi Nr. 21 "Noteikumi par valsts atbalstu lauksaimniecībai 2006. gadā un tā piešķiršanas kārtību" (*Latvijas Vēstnesis* Nr. 14, 2006. gada 24. janvāris)

**Budget:** LVL 2 200 000 (approximately EUR 3 170 000)

**Aid intensity or amount:** 40 %, 50 % in less-favoured areas

**Duration:** 2008

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

[http://ec.europa.eu/community\\_law/state\\_aids/](http://ec.europa.eu/community_law/state_aids/)

**Date of adoption of the decision:** 27.6.2006

**Member State:** Italy (Emilia-Romagna)

**Aid No:** N 222/A/03

**Title:** Measures to support guarantee systems in the agricultural sector

**Objective:** To provide technical assistance and guarantees on short, medium and long-term loans

**Legal basis:** Deliberazione regionale n. 316 del 3 marzo 2003 «Modifica della legge regionale 12 dicembre 1997, n. 43 sugli interventi a favore di forme collettive di garanzia nel settore agricolo. Abrogazione della legge regionale n. 37/95»

**Budget:** EUR 2-3 million per year

**Aid intensity or amount:** 40-70 %

**Duration:** Indefinite

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

[http://ec.europa.eu/community\\_law/state\\_aids/](http://ec.europa.eu/community_law/state_aids/)

**Date of adoption of the decision:** 27.6.2006

**Member State:** Austria (Niederösterreich)

**No of the aid:** Aid No N 243/2006

**Title:** Aid for the damage caused by natural disasters

**Objective:** The Guidelines approved by the Commission in State aid case N 564a/2004 ('the approved national Guidelines') lay down the conditions and modalities of compensation to agricultural producers in the event of damage caused to agricultural production by flood, landslide, rockslide, mudflow, avalanches, earthquake, snow pressure and hurricane. As stated in the Commission Decision C(2005)6036 of 26.12.2005 (State aid case N 564a/2004) approving the national Guidelines, the Austrian authorities had given assurances that every exceptional emergency situation giving rise to compensation to agricultural producers under the approved national Guidelines would be individually notified to the Commission. No compensation would be paid until the Commission has approved the existence of a natural catastrophe in such an individually notified case. In the case at hand, the Austrian authorities have notified a number of exceptional emergency situations in 2006 (floods) verified by the hydrological services of the government of the *Land Niederösterreich*. The Austrian authorities have specified that the damage would be assessed and compensation granted according to the provisions of the approved national Guidelines. The compensation would be 30 % of the assessed damage, or 50 % in proven particular cases of hardship

**Legal basis:** Richtlinien für die Gewährung von Beihilfen zur Behebung von Katastrophenschäden des Landes Niederösterreich

**Budget:** Not communicated

**Aid intensity or amount:** Maximum 50 %

**Duration:** One-off

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

[http://ec.europa.eu/community\\_law/state\\_aids/](http://ec.europa.eu/community_law/state_aids/)

**Date of adoption of the decision:** 27.6.2006

**Member State:** Italy (Tuscany)

**Aid No:** N 288/06

**Title:** Assistance in farming areas affected by natural disasters (hail-storms of 6 December 2005 in Piancastagnaio, province of Siena, Tuscany)

**Objective:** To compensate for damage to agricultural production and farming structures as a result of bad weather

**Legal basis:** Decreto legislativo n. 102/2004

**Budget:** See the approved scheme (NN 54/A/04)

**Aid intensity or amount:** Up to 100 %

**Duration:** Until the final payment is made

**Other details:** Measure applying the scheme approved by the Commission under State aid NN 54/A/2004 (Commission letter C(2005)1622 final, dated 7 June 2005)

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

[http://ec.europa.eu/community\\_law/state\\_aids/](http://ec.europa.eu/community_law/state_aids/)

**Date of adoption of the decision:** 27.6.2006

**Member State:** The Republic of Estonia

**No of the aid:** N 338/2005

**Title:** Aid to implement the national programme for the eradication and control of outbreaks of harmful plant diseases and pests

**Objective:** Combating plant diseases

**Legal basis:**

— Taimekaitseadus, vastu võetud 21. aprillil 2004, jõustunud 1. mail 2004 (RT I, 28.04.2004, 32, 226), § 4, 9, 15;

— Ministeriumi määrus "Ohtlike taimekahjustajate nimekiri" (RT L, 15.7.2004, 96, 1503);

— Ministeriumi määrus "Ohtliku taimekahjustajaga saastunud, saastumisohus või saastumiskahtlasele taimel, taimsel saadusel või muul objektidel leiduva ohtliku taimekahjustaja liigile kohased tõrjeabinõud" (RT L, 24.3.2005, 33, 469);

— Ministeriumi määruse eelnõu "Tõrjeabinõude rakendamisega seotud kulude osaline hüvitamine"

**Budget:** 3 million EEK per annum (approximately EUR 191 000)

**Aid intensity or amount:** Up to 100 %

**Duration:** Unlimited

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

[http://ec.europa.eu/community\\_law/state\\_aids/](http://ec.europa.eu/community_law/state_aids/)

**Date of adoption of the decision:** 27.6.2006

**Member State:** Italy (Lazio)

**Aid No:** N 494/03

**Title:** Protection of indigenous genetic resources of agricultural interest

**Objective:** Aid relating to the protection of plant varieties and animal species threatened with extinction; technical assistance; aid for investment in agricultural holdings

**Legal basis:**

— Deliberazione della Giunta regionale n. 759 del 1 agosto 2003;

— Legge regionale 1 marzo 2000, n. 15 «Tutela delle risorse genetiche autoctone di interesse agrario». Approvazione della bozza di Piano settoriale di intervento per la tutela delle risorse genetiche di interesse agrario. Triennio 2004-2006

**Budget:** EUR 586 000

**Aid intensity or amount:** From 40 to 100 % (some measures do not constitute State aid)

**Duration:** 2 years

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

[http://ec.europa.eu/community\\_law/state\\_aids/](http://ec.europa.eu/community_law/state_aids/)

**Date of adoption of the decision:** 27.6.2006

**Member State:** The Republic of Hungary

**No of the aid:** N 589/2005

**Title:** Amendment of the FVM Decree 84/2003 (VII.22) on granting aid to compensate for frost and drought damage suffered by agricultural producers in 2003

**Objective:** Compensation of damage caused by adverse weather conditions

**Legal basis:**

— 1072/2003. (VII.18.) Korm. határozat, 84/2003. (VII.22) FVM rendelet, 125/2003. (XII.10) FVM rendelet;

— Draft Government Resolution

**Budget:** 2006: 1,5 billion HUF, Total: 5,2 billion HUF

**Aid intensity:** Maximum 100 % of the eligible damage

**Duration:** 31 December 2013

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

[http://ec.europa.eu/community\\_law/state\\_aids/](http://ec.europa.eu/community_law/state_aids/)

**Date of adoption of the decision:** 27.6.2006

**Member State:** Italy

**Aid No:** N 603/05

**Title:** Programme to combat *tristeza* in citrus fruit from Apulia

**Objective:** Preventive and compensatory measures concerning a plant disease; technical assistance; computerisation of records

**Legal basis:** Decreto del MIPAF n. S/25486 sull'assegnazione di risorse alle regioni agrumicole

**Budget:** EUR 803 090,45

**Aid intensity or amount:** 100 % for technical assistance and computerisation (the latter does not constitute State aid); from EUR 5 to EUR 25 per plant, to compensate losses

**Duration:** 2 years

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

[http://ec.europa.eu/community\\_law/state\\_aids/](http://ec.europa.eu/community_law/state_aids/)

**Date of adoption of the decision:** 27.6.2006

**Member State:** Germany (Thuringia)

**Aid No:** NN 21/2004 (ex N 12/2004)

**Title:** Disposal of fallen stock in Thuringia

**Objective:** Aid for the removal and disposal of fallen stock of 66,67 % of costs

**Legal basis:** Thüringer Tierkörperbeseitigungsgesetz (GVBl. 2002 S. 169)

**Budget:** 2002: EUR 1,515 million, 2003: EUR 1,400 million, 2004: EUR 1,500 million, 2005: EUR 1,092 million

**Aid intensity or amount:** 66,67 %

**Duration:** 2002 to 2013

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

[http://ec.europa.eu/community\\_law/state\\_aids/](http://ec.europa.eu/community_law/state_aids/)



**Information communicated by Member States regarding State aid granted under Commission Regulation (EC) No 2204/2002 of 12 December 2002 on the application of Articles 87 and 88 of the EC Treaty to State aid for employment**

(2006/C 199/04)

(Text with EEA relevance)

Aid No	XE 8/05		
Member State	Lithuania		
Title of aid scheme or name of company receiving individual aid	State aid to social undertakings		
Legal basis	Lietuvos Respublikos socialinių įmonių įstatymas Nr. IX-2251 (Žin. 96-3519, įsigaliojo nuo 2004 m. birželio 19 d.)		
Annual expenditure planned or overall amount of individual aid granted to the company	Annual overall amount	EUR 2,1 million	
	Loans guaranteed		
Maximum aid intensity	In conformity with Articles 4(2)-(5), 5 and 6 of the Regulation	Yes	
Date of implementation	1.1.2005		
Duration of scheme or individual aid award	There is no limit attached to the Social Undertakings Act, but the intensity of the State aid is set up to the expiry of the exemption regulation, i.e. 31 December 2006, followed by a six month transition period		
Objective of aid	Art 4: Creation of employment	Yes	
	Art 5: Recruitment of disadvantaged and disabled workers	Yes	
	Art 6: disabled workers	Yes	
Economic sectors concerned	— All Community sectors <sup>(1)</sup> eligible for employment aid	Yes	
	— All manufacturing <sup>(1)</sup>	Yes	
	— All services <sup>(1)</sup>	Yes	
	— Other	Yes	
Name and address of the granting authority	Name: Lietuvos darbo birža prie Socialinės apsaugos ir darbo ministerijos		
	Address: Geležinio vilko g. 3A LT-2600 Vilnius		
Other information	If the plan is co-financed from Community resources, please add the following sentence: The aid scheme is co-financed under Measure 2.3 of the Lithuanian single programme planning document for the period 2004-2006 (Official Gazette, 2003, No. 123-5609)		
Aid subject to prior notification to the Commission	In conformity with Article 9 of the Regulation	Yes	

<sup>(1)</sup> With the exception of the shipbuilding sector and of other sectors subject to special rules in regulations and directives governing all state aid within the sector.

**Notice of the expiry of certain anti-dumping measures**

(2006/C 199/05)

Further to the publication of a notice of impending expiry <sup>(1)</sup>, following which no request for a review was received, the Commission gives notice that the anti-dumping measures mentioned below will shortly expire.

This notice is published in accordance with Article 11(2) of Council Regulation (EC) No 384/96 of 22 December 1995 <sup>(2)</sup> on protection against dumped imports from countries not members of the European Community.

Product	Country(ies) of origin or exportation	Measures	Reference	Date of expiry
Polyethylene terephthalate film	Republic of Korea	Anti-dumping duty	Council Regulation (EC) No 1676/2001 (OJ L 227, 23.8.2001, p. 1) as last amended by Regulation (EC) No 366/2006 (OJ L 68, 8.3.2006, p. 6)	24.8.2006

<sup>(1)</sup> OJ C 321, 16.12.2005, p. 4.

<sup>(2)</sup> OJ L 56, 6.3.1996, p. 1. Regulation as last amended by Council Regulation (EC) No 2117/2005 (OJ L 340, 23.12.2005, p. 17).

## EUROPEAN ECONOMIC AREA

## EFTA SURVEILLANCE AUTHORITY

**Communication from the EFTA Surveillance Authority under Article 4.1(a) 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)**

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

(2006/C 199/06)

## 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, Norway has decided to impose public service obligations as of 1 April 2007 in respect of scheduled air services on the following routes:

1. Routes between Kirkenes, Vadsø, Vardø, Båtsfjord, Berlevåg, Mehamn, Honningsvåg, Hammerfest and Alta.
2. Hasvik — Tromsø v.v., Hasvik — Hammerfest v.v., Sørkjosen — Tromsø v.v.

## 2. DEFINITION

In this publication *single-carrier service* means that the carrier shall carry passengers along an entire route within the network encompassed by the public service obligations. Maximum travel time on each required single-carrier service is 3 hrs 30 mins from first departure to final arrival.

## 3. THE PUBLIC SERVICE OBLIGATIONS INCLUDE THE FOLLOWING SPECIFICATIONS FOR THE INDIVIDUAL ROUTE AREAS:

### 3.1 Routes between Kirkenes, Vadsø, Vardø, Båtsfjord, Berlevåg, Mehamn, Honningsvåg, Hammerfest and Alta

#### 3.1.1 *Minimum frequencies, seating capacity, routing and timetables*

#### **The following requirements apply to frequencies, seating capacity, routing and timetables**

- The requirements apply throughout the year.
- When connections with air services to and from Tromsø are required, schedules must allow passengers to travel to or from Tromsø with no more than one change of aircraft en route.
- Where requirements to seating capacity apply, the number of seats offered shall be adjusted in accordance with the rules laid down by the Ministry of Transport and Communications in Appendix A to this publication.
- Account shall be taken of the public demand for air travel.

**Requirements for Monday — Friday*****Alta***

- On Monday — Friday combined, the seating capacity offered shall be at least 550 seats both to and from Alta.
- Minimum one daily single-carrier return service to Kirkenes, with a maximum of one intermediate stop. First arrival in Kirkenes shall be no later than 9.00 hrs and last departure from Kirkenes no earlier than 14.00 hrs.
- Single-carrier services between other airports and Alta, as required in this publication.

***Hammerfest***

- A minimum of five daily departures and arrivals Monday — Friday.
- On Monday — Friday combined, the seating capacity offered shall be at least 750 seats both to and from Hammerfest.
- Minimum three single-carrier return services to Vadsø. In both directions first arrival shall be no later than 10.30 hrs and last departure no earlier than 18.30 hrs.
- Single-carrier return service to Kirkenes.
- Single-carrier services between other airports and Hammerfest, as required in this publication.

***Kirkenes***

- On Monday — Friday combined, the seating capacity offered shall be at least 750 seats both to and from Kirkenes.
- Single-carrier services between other airports and Kirkenes, as required in this publication.

***Vadsø***

- A minimum of nine daily departures and arrivals Monday — Friday.
- On Monday — Friday combined, the seating capacity offered shall be at least 1125 seats both to and from Vadsø.
- Minimum three single-carrier return services to Kirkenes, without intermediate stops. First arrival in Kirkenes shall be no later than 11.00 hrs and last departure from Kirkenes no earlier than 19.00 hrs. First arrival in Vadsø shall be no later than 11.30 hrs and last departure from Vadsø no earlier than 18.30 hrs.
- Minimum two single-carrier return services to Alta. First arrival in Vadsø shall be no later than 9.00 hrs. First arrival in Alta shall be no later than 10.30 hrs. Last departure shall be no earlier than 14.00 hrs from Vadsø and no earlier than 15.00 hrs from Alta.
- Single-carrier services between other airports and Vadsø, as required in this publication.

***Vardø***

- Minimum three single-carrier return services to Kirkenes. Last departure from Kirkenes shall be no earlier than six hours later than first arrival in Kirkenes.
- On Monday — Friday combined, the seating capacity offered shall be at least 200 seats both to and from Vadsø

**Båtsfjord**

A minimum of four daily departures and arrivals, ensuring the following:

- Minimum two single-carrier return services to Kirkenes. First arrival in Kirkenes shall be no later than 11.00 hrs and last departure from Kirkenes no earlier than 19.00 hrs.
- Minimum two single-carrier return services to Vadsø. First arrival in Vadsø shall be no later than 10.30 hrs and last departure from Vadsø no earlier than 18.30 hrs.
- Single-carrier return service to Hammerfest.
- The schedules must ensure connections with at least two air services both to and from Tromsø.

**Berlevåg**

A minimum of three daily departures and arrivals, ensuring the following:

- Single-carrier return service to Kirkenes. First arrival in Kirkenes no later than 11.00 hrs and last departure from Kirkenes no earlier than 19.00 hrs.
- Single-carrier return service to Vadsø. First arrival in Vadsø no later than 10.30 hrs and last departure from Vadsø no earlier than 18.30 hrs.
- Single-carrier return service to Hammerfest.
- The schedules must ensure connections with at least two air services both to and from Tromsø.

**Mehamn**

A minimum of four daily departures and arrivals, ensuring the following:

- Minimum two single-carrier return services to Hammerfest. First arrival in Hammerfest shall be no later than 08.30 hrs. In both directions last departure shall be no earlier than 17.00 hrs.
- Minimum two single-carrier return services to Vadsø. In both directions last departure shall be no earlier than 16.00 hrs.
- Single-carrier return service to Alta.
- Single-carrier return service to Kirkenes.
- The schedules must ensure connections with at least two air services both to and from Tromsø.

**Honningsvåg**

A minimum of four daily departures and arrivals, ensuring the following:

- Minimum two single-carrier return services to Hammerfest. First arrival in Hammerfest shall be no later than 08.30 hrs. In both directions last departure shall be no earlier than 17.00 hrs.
- Minimum two single-carrier return services to Vadsø. In both directions last departure shall be no earlier than 16.00 hrs.
- Single-carrier return service to Kirkenes.
- The schedules must ensure connections with at least two air services both to and from Tromsø.

**Requirements for Saturday — Sunday****The following requirements apply to Saturday and Sunday combined:**

- The capacity offered shall be at least 110 seats both to and from Alta, at least 150 seats both to and from Hammerfest, at least 150 seats both to and from Kirkenes and at least 225 seats both to and from Vadsø.
- Minimum number of departures and arrivals at least as on each day Monday — Friday for Hammerfest, Vadsø, Vardø, Båtsfjord, Berlevåg, Mehamn and Honningsvåg.
- Minimum two single-carrier return services Honningsvåg — Hammerfest.
- A minimum seating capacity of 40 seats shall be offered between Vardø and Kirkenes in both directions.
- Single-carrier return service to Vadsø from Båtsfjord, Berlevåg, Mehamn and Honningsvåg.
- Single-carrier return service to Hammerfest from Båtsfjord, Berlevåg and Mehamn.
- Single-carrier return service Vadsø — Alta.
- Single-carrier return service Kirkenes — Alta.
- Number of connections with air services to and from Tromsø at least as on each day Monday — Friday for Båtsfjord, Berlevåg, Mehamn and Honningsvåg.

**The following requirements apply to both Saturday and Sunday:**

- Departure and arrival at each of the airports Vadsø, Vardø, Båtsfjord, Berlevåg, Mehamn, Honningsvåg, Hammerfest, Kirkenes and Alta.
- Single-carrier return service Vadsø — Hammerfest.
- Single-carrier return service Vadsø — Kirkenes.
- Connection both to and from Tromsø for Båtsfjord, Berlevåg, Mehamn and Honningsvåg.

**3.1.2 Aircraft Category**

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

**3.2. Hasvik — Tromsø v.v., Hasvik — Hammerfest v.v., Sørkjosen — Tromsø v.v.****3.2.1 The following requirements apply to minimum frequencies, seating capacity, routing and timetables for Hasvik-Tromsø v.v. and Hasvik-Hammerfest v.v.**

The requirements apply throughout the year.

**Hasvik — Tromsø v.v.:**

- Minimum two daily return services Monday — Friday, of which at least one must be scheduled to connect with air services Tromsø — Oslo v.v.
- Minimum one return service on Sunday, scheduled to connect with air services Tromsø — Oslo v.v.

- On Monday — Friday first arrival in Tromsø shall be no later than 10.00 hrs and last departure from Tromsø no earlier than 13.30 hrs.
- In both directions at least one of the required daily flights Monday — Friday shall be non-stop. The remainder may have a maximum of two intermediate stops, of which one may be entailed by a change of aircraft provided that the connecting time does not exceed 45 minutes and that the carrier serves the entire route to and from Tromsø.

**Hasvik — Hammerfest v.v.:**

- Minimum one daily return service Monday — Friday, with first arrival in Hammerfest no later than 08.30 hrs and last departure from Hammerfest no earlier than 14.30 hrs.

*Seating Capacity:*

- On a weekly basis at least 120 seats shall be offered both to and from Hasvik on the Hasvik — Tromsø and Hasvik — Hammerfest routes combined.
- Seating capacity offered must be adjusted according to the decisions laid down by the Ministry of Transport and Communications in Annex A to this publication.

**3.2.2 The following requirements apply to minimum frequencies, seating capacity, routing and timetables for Sørkjosen — Tromsø v.v.**

The requirements apply throughout the year. A daily service obligation applies in both directions.

*Frequencies:*

- Minimum two daily return services Monday — Friday.
- Minimum two return services Saturday — Sunday combined.

*Seating Capacity:*

- In both directions at least 175 seats shall be offered Monday — Friday combined, and at least 35 seats Saturday — Sunday combined.
- Seating capacity offered must be adjusted according to the decisions laid down by the Ministry of Transport and Communications in Appendix A to this publication.

*Routing:*

- The required services must be non-stop.

*Timetables:*

The required services must be scheduled to connect with air routes Tromsø — Oslo v.v.

In addition, the following apply to the required flights on Monday — Friday:

- First arrival in Tromsø shall be no later than 09.30 hrs and last departure from Tromsø no earlier than 18.00 hrs.
- First departure from Tromsø shall be no later than 11.30 hrs and last departure from Sørkjosen no earlier than 17.00 hrs.

**3.2.3 Aircraft Category**

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

#### 4. THE FOLLOWING SPECIFICATIONS APPLY ON ALL ROUTES

##### 4.1 Technical and operative conditions

Carriers' attention is especially drawn to technical and operative conditions applying at the airports. For further information, please contact:

Luftfartstilsynet (Civil Aviation Authority),  
P O Box 243, N-8001 Bodø  
Telephone (47-7) 558 50 00

##### 4.2 Fares

The maximum basic fully flexible one-way fare (Maximum fare) in the operating year beginning 1 April 2007 must not exceed the following amounts in NOK.

To	Alta	Berlevåg	Båtsfjord	Hammerfest	Honningsvåg	Kirkenes	Mehamn	Vadsø	Vardø
From									
Alta	—	1 083	1 054	477	937	1 054	1 083	1 054	—
Berlevåg	1 083	—	384	953	642	760	384	642	—
Båtsfjord	1 054	384	—	953	760	642	477	598	—
Hammerfest	477	953	953	—	642	1 054	836	1 054	—
Honningsvåg	937	642	760	642	—	1 054	477	953	—
Kirkenes	1 054	760	642	1 054	1 054	—	905	384	505
Mehamn	1 083	384	477	836	477	905	—	792	—
Vadsø	1 054	642	598	1 054	953	384	792	—	—
Vardø	—	—	—	—	—	505	—	—	—

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

Hasvik — Tromsø 1 018

Hasvik — Hammerfest 477

Sørkjosen — Tromsø 541

For each subsequent operating year the maximum fares shall be adjusted on 1 April within the limit of the consumer price index for the 12-month period ending 15 February the same year, as made public by Statistics Norway (<http://www.ssb.no>).

The carrier is responsible for making tickets available at a price not exceeding the maximum fare through all sales channels belonging to the carrier.

Maximum fare applies also to tickets offered by other companies operating within the concern of the carrier. The carrier is responsible for the compliance of the requirements by such companies.

The maximum fare shall include all taxes and fees to the authorities, and all other extra charges the carrier adds when issuing the tickets.

The carrier shall be party to the domestic interline agreements in force at any time, and shall offer all discounts available under such agreements.



#### 5. ADDITIONAL CONDITIONS FOLLOWING A TENDER PROCEDURE

Following a tender procedure, which limits access to the routes to one carrier, these conditions apply in addition:

##### Fares:

- All connecting fares to/from other air services shall be offered on equal terms for all carriers. Exempted from this are connecting fares to/from other services carried out by the tenderer, provided that the fare is maximum 40 per cent of the fully flexible fare.
- Bonus points from frequent flyer programmes can neither be earned nor redeemed on the flights.
- Social discounts shall be granted in accordance with the guidelines laid down by the Norwegian Ministry of Transport and published in Appendix B to this notification.

##### Transfer Conditions:

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

#### 6. REPLACEMENT AND LIFTING OF PREVIOUS PUBLIC SERVICE OBLIGATIONS

These public service obligations replace those previous published in *Official Journal of the European Communities* No C 294, of 4 December 2003, for:

- Routes between Kirkenes, Vadsø, Båtsfjord, Berlevåg, Mehamn, Honningsvåg, Hammerfest and Alta, and the route Vardø — Kirkenes v.v.
- Hasvik — Tromsø v.v., Hasvik — Hammerfest v.v., Sørkjosen — Tromsø v.v.

#### 7. INFORMATION

Further information can be obtained from:

The Ministry of Transport and Communications,  
PO Box 8010 Dep,  
N-0030 OSLO

Telephone (47) 22 24 83 53, facsimile (47) 22 24 56 09

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## APPENDIX A

**ADJUSTMENT OF PRODUCTION/AVAILABLE SEATS — PRODUCTION ADJUSTMENT CLAUSE****1. Purpose of the production adjustment clause**

The purpose of the production adjustment clause is to ensure that supplied capacity/seats offered by the operator is adjusted to changes in market demand. Whenever the number of passengers increases significantly and exceeds the following specified limits for the percentage of seats occupied at any time (the passenger load factor), the operator shall increase available seats offered. The operator may accordingly decrease available seats offered when the number of passengers decreases significantly. See specification below in 3.

**2. Periods for measuring passenger load factors**

The periods during which the passenger load factor shall be monitored and assessed range from 1 January to 30 June inclusive and 1 August to 30 November inclusive.

**3. Conditions for changing production/available seats offered****3.1 Conditions for increasing production**

3.1.1 An increase in production/available seats offered shall take place when the average passenger load factor on each single route encompassed by public service obligations is higher than 70 per cent. When the average passenger load factor on these routes exceeds 70 per cent in any of the periods mentioned in 2, the operator shall increase production/available seats offered by at least 10 per cent on these routes, at latest from the start of the following IATA traffic season. Production/available seats offered shall be increased at least so that the average passenger load factor does not exceed 70 per cent.

3.1.2 When increasing production/available seats offered according to the above, the new production may take place by using aircraft with lower seating capacity than specified in the original tender, if preferred by the operator.

**3.2 Conditions for decreasing production**

3.2.1 A decrease in production/available seats offered may take place when the average passenger load factor on each single route encompassed by public service obligations is lower than 35 per cent. When the average passenger load factor on these routes is lower than 35 per cent in any of the periods mentioned in 2, the operator may decrease production/available seats offered by no more than 25 per cent on these routes from the first day after the end of the above mentioned periods.

3.2.2 On routes with more than two daily frequencies offered in each direction, reduction in production according to 3.2.1 shall take place by reducing frequencies offered. The only exception from this is when the operator uses aircraft with larger seating capacity than the minimum specified in the imposition of public service obligations. The operator may then use smaller aircraft, however, not with lower seating capacity than the minimum specified in the imposition of public service obligations.

3.2.3 On routes with only one or two daily frequencies offered in each direction, reduction in available seats offered can only take place by using aircraft with lower seating capacity than specified in the imposition of public service obligations.

**4. Procedures for changes in production**

4.1 The Norwegian Ministry of Transport and Communications has the responsibility subject to law for approving proposed time schedules submitted by the operator, including changes in production. Reference is made to Circular N-3/2005 by the Norwegian Ministry of Transport and Communications, included in the tender file.

4.2 If production/available seats offered shall be reduced according to 3.2, a proposal for a new traffic program shall be circulated to the affected county councils, and these shall have sufficient time to make a statement before the change is put into effect. If the proposed new traffic program includes changes violating any other requirements than the number of flights and seat capacity, laid down in the public service obligations, the new traffic program must be sent to the Ministry of Transport and Communications for approval.

- 4.3 When production shall be increased according to 3.1, time schedules for new production/new seats should be agreed between the operator and the county (counties) as administrative unit affected.
- 4.4 If new production shall be offered according to 3.1, and the operator and the county (counties) as administrative unit affected cannot agree upon time schedules according to 4.3, the operator can seek approval according to 4.1 for a different time schedule for the new production/new seats offered from the Norwegian Ministry of Transport and Communications. This does not mean that the operator may apply for approval of a time schedule that does not include the required increase in production. There must exist substantial reasons for time schedules for new production/new seats diverging from those which could be agreed by the county (counties) as administrative unit affected according to 4.3, as a condition for the Ministry to approve such a proposal from the operator.

**5. Unchanged financial compensation when changing production**

- 5.1 The financial compensation to the operator remains unchanged when increasing production according to 3.1.
- 5.2 The financial compensation to the operator remains unchanged when decreasing production according to 3.2.
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## APPENDIX B

## PROVISION ON SOCIAL DISCOUNTS

1. On routes where the Norwegian Ministry of Transport and Communication purchases air services in accordance with public service obligations, social discount applies to the following groups of people:
    - a. Persons aged from 67 years at the day of departure,
    - b. Blind persons aged from 16 years,
    - c. Disabled persons aged from 16 years who receive pension according to the Norwegian act of 28 February 1997 on National insurance [Folketrygdloven], chapter 12, or similar law in any EEA country.
    - d. Students aged from 16 years attending special schools for people with hearing problems.
    - e. Accompanying spouse irrespective of age, or a person who has to accompany persons included in a) — d),
    - f. Travellers aged under 16 years at the day of departure
  2. The discount for people included in section 1 shall be 50 per cent. of maximum basic one-way fare.
  3. This discount is not applicable when the travel is paid for by the government and/or social security office. The person entitled to discount decides the need for escort.
  4. An adult (aged from 16 years) may carry a child aged under 2 years for free, provided that the child does not occupy its own seat and when travelling together on the entire journey.
  5. Following documents must be present at time of ticketing:
    - a) persons mentioned in section 1 letter a) must show an official document with picture and day of birth.
    - b) persons mentioned in section 1 letter b) and c) must provide proof of eligibility by means of official documentation from the Norwegian National insurance or 'Norges Blindeforbund'. Persons from other EEA countries must provide similar documentation from their home country.
    - c) persons mentioned in section 1 letter d) must present a student certificate and a letter from the social security office stating that the student is receiving pension according to the Norwegian National insurance act. Persons from other EEA countries must provide similar documentation from their home country.
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## III

(Notices)

## COMMISSION

## NO-Oslo: scheduled air services in Finnmark and North Troms (Norway)

## Invitation to tender

(2006/C 199/07)

1. **Introduction:** With effect from 1.4.2007, Norway has decided to amend public service obligations on scheduled regional air services in Finnmark and North Troms, previously published according to Article 4.1(a) of Council Regulation (EEC) 2408/92 of 23.7.1992 on access for Community air carriers to intra-Community air routes. The amended obligations were published in the 'Official Journal of the European Union' (C 199 of 24.8.2006) and in the EEA 'Supplement to the Official Journal' (No 42 of 24.8.2006).

In so far as by 2 months from the latest day of submission of tender (cf. Section 6) no air carrier has provided documentary evidence to the Ministry of Transport and Communications of commencing scheduled flights on 1.4.2007 in conformity with the amended public service obligation imposed on 1 or more of the tenders stated in Section 2 of this publication, the Ministry will apply the tender procedure provided for by Article 4.1(d) of Regulation (EEC), 2408/92, thereby limiting access as of 1.4.2007 to only 1 air carrier for each tender stated in Section 2.

The purpose of this invitation is to invite tenders which will be used as basis for assignment of such exclusive rights.

Below, the most important parts of the Conditions of Tenders will be reproduced. The complete Invitation to Tender, can be downloaded from <http://www.odin.dep.no/sd/engelsk/aktuelt/tenders>, or be obtained free of charge on application to:

Ministry of Transport and Communications, PO Box 8010 Dep, -0030 Oslo. Telephone: (47-2) 224 83 53. Facsimile: (47-2) 224 56 09.

All tenderers are obliged to acquaint themselves with the complete Invitation to Tender.

2. **Services covered by the invitation:** The invitation comprises scheduled flights from 1.4.2007 until 31.3.2010, in accordance with the public service obligations mentioned in Section 1. The following route areas

and corresponding tenders are covered by the competition:

## Route area 1

— Routes between Kirkenes, Vadsø, Vardø, Båtsfjord, Berlevåg, Mehamn, Honningsvåg, Hammerfest and Alta

## Route area 2

— Hasvik-Tromsø, Hasvik-Hammerfest, Sørkjosen-Tromsø.

For route areas 1 and 2, air carriers are invited to tender for a combination of the route areas, particularly if this reduces the total compensation required for the route areas. In such case, tenderers are also obliged to submit tenders for each individual route area in case they are chosen for 1 area alone.

If tenderers wish to submit tenders for permitted combinations of route areas, they must also submit tender budgets for each individual route area. The tender budget shall show the allocation of expenses and revenues for each of the tenders included in the combination and clearly state the compensation required for each individual tender.

In case a carrier submits a tender where the claim for compensation is NOK zero, it will be understood as a wish from the carrier to operate the route on an exclusive basis, but without any compensation from the Norwegian State.

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 licensing of air carriers are eligible to tender.

4. **Tender procedure:** This invitation to tender is subject to the provisions of subparagraph (d)-(i) of Article 4.1 of Council Regulation (EEC) No 2408/92, and Section 4 of the Norwegian Regulation of 15.4.1994 No 256 on tender procedures in connection with public service obligations to implement Council Regulation (EEC) No 2408/92 Article 4.

The procurement will be effected by means of an open tender procedure.

The Ministry of Transport and Communications reserves the right to apply subsequent negotiations if only 1 tender is received at the closing date for submission of tender, or if only 1 tender is not rejected. Such negotiation shall be in accordance with the public service obligations imposed. In addition, the parties are not entitled to make substantial amendments to the original terms of contract during such negotiations. If the subsequent negotiations do not lead to an acceptable solution, the Ministry of Transport and Communications reserves the right to cancel the entire procedure. In that case, a new invitation to tender on new terms may be published.

The Ministry of Transport and Communications may make procurements through negotiations without publication in advance if no tenders are submitted. In that case, no substantial amendments must be made in the original public service obligations or in the remaining terms of contract.

In case reasonable grounds appear as a result of the tender, The Ministry of Transport and Communications reserves the right to refuse each and all tenders.

The tender is binding on the tenderer until the tender procedure is ended, or the award is made.

5. **The tender:** The tender shall be framed in accordance with the requirements in Section 5 of the Conditions of Tender, including the requirements listed in the public service obligations.
6. **Submission of tender:** The deadline for submission of tender is 22.9.2006 (15:00), (local time). The tender must be received by the Ministry of Transport and Communications at the address mentioned in Section 1 not later than the deadline for submission of tender.

The tender shall be delivered either personally at the office address of the Ministry of Transport and Communications, or sent by post or courier services.

Tenders received too late will be rejected. However, tenders received after the deadline for submission of tender, but before the opening date, will not be rejected if it clearly appears that the dispatch is sent so early that it normally should have been received before the closing date. Receipt from the delivery of the dispatch is accepted as evidence for the delivery, and the time for delivery.

All tenders must be submitted in 3 — three — copies.

## 7. Award of contract:

- 7.1. As the principal rule, the award shall be made to the tender, or the permitted combination of tenders, requiring the lowest amount of compensation. For both of the route areas this implies that the contract will be awarded to the tender, or the permitted combination of tenders, with the lowest claim for compensation for the whole contract period from 1.4.2007 until 31.3.2010.
- 7.2. If, within any tender combinations permitted according to Section 2, there are tenders requiring

no compensation, but only exclusive right in accordance with Section 2 last paragraph, the award shall, irrespective of Section 7.1, be made to such tenders, after which the provisions in Section 7.1 is applied to the rest of the tender.

- 7.3. In case award can not be made because there are tenders requiring identical amounts of compensation, the award shall be made to the tender, or, where relevant, to the combination of tenders offering the highest number of seats for the whole contract period.

8. **Contract period:** All tender contracts will be entered into for the period from 1.4.2007 until 31.3.2010. The contract is non-terminable, except for those situations described in the contract provisions reproduced in Section 11.

9. **Financial compensation:** The operator is entitled to financial compensation from the Ministry of Transport and Communications in accordance with the tender agreement. The compensation shall be specified for each of the 3 operating years, and for the entire contract period.

No adjustment of the compensation shall be made for the first operating year.

For the second and third operating years, the compensation will be recalculated on the basis of the tender budget adjusted for operating revenues and expenses. These adjustments must be within the limits defined by Statistics Norway's consumer price index for the 12-month period ending on 15 February the same year.

No change shall be made in the compensation as a result of the production volume being adjusted upwards or downwards pursuant to section 5.1 second paragraph of the Terms of Contract.

This is subject to the proviso that the Storting (the Norwegian Parliament), when adopting its annual budget, makes the necessary funds available to the Ministry of Transport and Communications to cover the compensation requirements.

The operator shall retain all revenues generated by the service. If the revenues are greater or the expenditure smaller than the figures on which the tender budget is based, the operator may retain the balance. Correspondingly, the Ministry of Transport and Communications is not obliged to cover any negative balance in relation to the tender budget.

All public charges, including aviation charges, are payable by the operator.

Notwithstanding any action for damages, the financial compensation shall be reduced in proportion to the total number of flights cancelled for reasons directly attributable to the carrier, if the number of flights cancelled for such reasons during an operating year exceeds 1,5 per cent of the planned number of flights in accordance with the approved time schedule.

10. **Renegotiation:** If, during the contract period, material or unforeseen changes occur in the assumptions on which this contract is based, each of the parties may request negotiations for revision of the contract. Such request must be made 3 months at the latest after the change has occurred.

Material changes in the public charges for which the operator is liable always constitute grounds for renegotiation.

If new statutory or regulatory requirements, or orders issued by the Civil Aviation Authority result in an airfield having to be used in a different manner than originally assumed by the operator, the parties shall endeavour to negotiate amendments in the contract that allow the operator to continue operations for the rest of the contract period. If the parties fail to reach agreement, the operator is entitled to compensation pursuant to the rules relating to shutting down or closure (Section 11) insofar as they are applicable.

11. **Termination of contract following breach of contract or unforeseen changes in important conditions:** Subject to the restrictions following from insolvency law, the Ministry of Transport and Communications may terminate the contract with immediate effect if the operator becomes insolvent, initiates debt settlement proceedings, goes bankrupt or is subject to any other situation dealt with in Section 12 of the Norwegian Regulation of April 1994 No 256.

The Ministry of Transport and Communications may terminate the contract with immediate effect if the operator loses, or is not able to renew, his licence.

If, due to 'force majeure' or other circumstances beyond the operator's control, the operator has been unable to fulfil its contractual obligations for more than 4 of the last 6 months, the contract can be terminated by both parties by giving 1 month's written notice.

If the Storting decides to close an airfield, or if an airfield is closed as a result of an order issued by the Civil Aviation Authority, the parties' ordinary contractual obligations lapse from such time as the airfield is actually shut down or closed.

If the period of time between the operator first being informed about the shutting down or closure and the actual shutting down or closure is greater than 1 year, the operator is not entitled to compensation for any financial loss it incurs as a result of the termination of the contract. If the period mentioned is less than 1 year, the operator is entitled to be restored to the financial situation it would have been in had operations been continued for 1 year from the date it was notified of the shutting down or closure, or alternatively until 31.3.2010 if this date is earlier.

In the event of material breach of contract, the contract may be cancelled with immediate effect by the other party.

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