

Official Journal

of the European Communities

ISSN 0378-6986

C 51

Volume 44

16 February 2001

English edition

Information and Notices

<u>Notice No</u>	<u>Contents</u>	<u>Page</u>
	<i>I Information</i>	
	Commission	
2001/C 51/01	Euro exchange rates	1
2001/C 51/02	Publication of an application for registration pursuant to Article 6(2) of Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin	2
2001/C 51/03	Commission communication in the framework of the implementation of the Council Directive 94/9/EC (February 2001) ⁽¹⁾	6
2001/C 51/04	Non-opposition to a notified concentration (Case COMP/M.2090 — Liverpool Victoria Friendly Society/AC Ventures/JV) ⁽¹⁾	8
2001/C 51/05	Non-opposition to a notified concentration (Case COMP/M.2251 — AOL/Banco Santander/JV) ⁽¹⁾	9
2001/C 51/06	Non-opposition to a notified concentration (Case COMP/M.2066 — Dana/Getrag) ⁽¹⁾	9
2001/C 51/07	Prior notification of a concentration (Case COMP/M.2356 — Hermes/Codan/JV) — Candidate case for simplified procedure ⁽¹⁾	10

II Preparatory Acts

.....



<u>Notice No</u>	Contents (continued)	Page
	III <i>Notices</i>	
	European Parliament	
2001/C 51/08	Notice of selection procedure	11
	Commission	
2001/C 51/09	Operation of scheduled air services — Invitation to tender published by Italy pursuant to Article 4(1)(d) of Council Regulation (EEC) No 2408/92, for the operation of scheduled air services between Olbia and Rome ⁽¹⁾	12
2001/C 51/10	Operation of scheduled air services — Invitation to tender published by Italy pursuant to Article 4(1)(d) of Council Regulation (EEC) No 2408/92, for the operation of scheduled air services between Olbia and Milan ⁽¹⁾	14
2001/C 51/11	Operation of scheduled air services — Invitation to tender published by Italy pursuant to Article 4(1)(d) of Council Regulation (EEC) No 2408/92, for the operation of scheduled air services between Cagliari and Rome ⁽¹⁾	16
2001/C 51/12	Operation of scheduled air services — Invitation to tender published by Italy pursuant to Article 4(1)(d) of Council Regulation (EEC) No 2408/92, for the operation of scheduled air services between Cagliari and Milan ⁽¹⁾	18
2001/C 51/13	Operation of scheduled air services — Invitation to tender published by Italy pursuant to Article 4(1)(d) of Council Regulation (EEC) No 2408/92, for the operation of scheduled air services between Alghero and Milan ⁽¹⁾	20
2001/C 51/14	Operation of scheduled air services — Invitation to tender published by Italy pursuant to Article 4(1)(d) of Council Regulation (EEC) No 2408/92, for the operation of scheduled air services between Alghero and Rome ⁽¹⁾	22

I

(Information)

COMMISSION

Euro exchange rates ⁽¹⁾**15 February 2001**

(2001/C 51/01)

1 euro	=	7,4627	Danish krone
	=	9,018	Swedish krona
	=	0,6279	Pound sterling
	=	0,909	United States dollar
	=	1,3901	Canadian dollar
	=	105,51	Japanese yen
	=	1,5315	Swiss franc
	=	8,2075	Norwegian krone
	=	78,79	Icelandic króna ⁽²⁾
	=	1,7332	Australian dollar
	=	2,1398	New Zealand dollar
	=	7,1266	South African rand ⁽²⁾

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

⁽²⁾ Source: Commission.

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

(2001/C 51/02)

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

COUNCIL REGULATION (EEC) No 2081/92

APPLICATION FOR REGISTRATION: ARTICLE 5

PDO (x) PGI ()

National application No 57

1. Responsible department in the Member State

Name: Subdirección General de Denominaciones de Calidad — Dirección General de Alimentación — Secretaría General de Agricultura y Alimentación del Ministerio de Agricultura, Pesca y Alimentación de España

Address: Paseo Infanta Isabel, 1, E-28071 Madrid

Tel. (34) 913 47 53 94

Fax (34) 913 47 54 10

2. Applicant group

2.1. Name: Asociación para la Defensa y Promoción del Aceite de Oliva del Bajo Aragón (Adaba)

2.2. Address: Plaza Deán, 2, E-44600 Alcañiz (Teruel)

Tel. (34) 978 83 46 00

Fax (34) 978 83 16 56

2.3. Composition: Producer/processor (x) other ()

3. Type of product: Extra virgin olive oil — Class 1.5 — Oils and fats.

4. Specification

(summary of requirements under Article 4(2))

4.1. **Name:** 'Aceite del Bajo Aragón'.

4.2. **Description:** Extra virgin olive oil produced from the Empeltre, Arbequina and Royal varieties, with Empeltre accounting for at least 80 % of the total, in view of its predominance in the area of production and the fact that the characteristics of the product are historically very closely related to it. In line with tradition the remaining varieties may account for no more than 20 % by volume of the composition of *Aceite del Bajo Aragón*.

Organoleptic characteristics:

Appearance	Clear, with no hint of film, cloudiness or dirt
Colour	Yellow, the hues concerned ranging from golden yellow to old gold
Flavour	Fruity at the beginning of the season, with a slight almond taste; not bitter, with a hint of sweetness and slightly sharp
Minimum score in the panel test	6,5

Physico-chemical characteristics:

Maximum acidity (% oleic acid)	1,00
Maximum peroxide (meq O ₂ /kg)	20
K ₂₇₀ (maximum number)	0,15
K ₂₃₂ (maximum number)	2,00
Maximum moisture and volatile substances (%)	0,15
Maximum level of impurities (%)	0,10

- 4.3. **Geographical area:** The area of production is a natural region in western Aragon, situated between the provinces of Zaragoza and Teruel. It coincides with the south eastern part of the Ebro basin, comprises 31 560 hectares of olive groves and includes the following municipalities:

Aguaviva	Cinco olivas	Maella
Alacón	Cretas	Más de las Matas
Albalte del Arzobispo	Crivillén	Mazaleón
Alborge	Escatrón	Mequinenza
Alcañiz	Estercuel	Molinos
Alcorisa	Fórnoles	Monroyo
Alloza	Fabara	Nonaspe
Almochuel	Fayón	Oliete
Almonacid de la Cuba	Foz-Calanda	Parras de Castellote
Andorra	Fuentes de Ebro	Peñarroya de Tastavins
Arens de Lledó	Fuentespalda	Quinto de Ebro
Ariño	Gargallo	Sástago
Azaila	Híjar	Ráfales
Beceite	Jatiel	Samper de Calanda
Belchite	La Cerollera	Seno
Belmonte de San José	La Codoñera	Torrecilla de Alcañiz
Berge	La Fresneda	Torre de Arcas
Bordón	La Ginebrosa	Torre de Compte
Calanda	La Mata de los Olmos	Torrevelilla
Calaceite	La Portellada	Urrea de Gaén
Cañizar del Olivar	Lagata	Valdealgorfa
Caspe	Letux	Valderrobres
Castelserás	La Puebla de Híjar	Valdeltormo
Castelnou	La Zaida	Valjunquera
Castellote	Lledó	Vinaceite
Chiprana	Los Olmos	

- 4.4. **Proof of origin:** The olives delivered to the mills belong to approved varieties and come from groves registered with, and inspected by, the Regulating Council.

The olives are pressed at registered mills situated in the production area. The oil thus extracted undergoes an evaluation based on the specifications and is stored and packed at registered establishments situated in the demarcated area.

The oil undergoes physico-chemical and organoleptic tests, which it must fully satisfy before being packed and marketed under the designation of origin and with a numbered label supplied by the Regulating Council.

- 4.5. **Method of production:** The olive trees belong to registered groves located on dry or irrigated land. The top layer of soil is broken up — by means of a cultivator — on three separate occasions and is then rolled to prepare it for the harvesting of the olives. The maximum quantity of nitrogen applied each year may not exceed 1 kg per tree. Light pruning takes place during the fruit-formation period and, in the case of adult trees, the leaf to wood ratio must be preserved.

Once the olives have reached the correct degree of ripeness they are picked — with the utmost care — on the tree and are sent to the mills in accordance with the requirements applicable, the latter being designed to prevent damage to the fruit. The olives are picked between the middle of November and the end of March, with oil extraction occurring no more than 48 hours afterwards.

The oil is extracted mechanically from the olives. The process, which takes place at registered mills, involves the following: washing and pressing of the olives, churning of the paste at a temperature not exceeding 35 °C, separation of the phases and storage. Once the oil has been produced and evaluated, it is packed in glass or earthenware bottles or in metal containers of up to five litres.

- 4.6. **Link:** The varieties which may be used in the production of *Aceite del Bajo Aragón* are those traditionally grown in the area of production. *Empeltre* and *Royal can*, on the basis of existing bibliographical references, be regarded as local varieties, while *Arbequina* was introduced in the 19th century from nearby Catalonia. The earliest known reference to oil from the area is to be found in the *Ora maritima*, which was penned by the fourth-century Latin poet Rufo Festo Avieno and is itself based on a text dating back to 550 BC. The *Ora maritima* describes how boats would travel upstream along the Ebro in order to engage in trade with the local population and, in the process, obtain supplies of oil, wine and wheat. The *Ora maritima* refers to the Ebro as an *Oleum flumen* or river of oil. Ignacio de Asso, who in 1798 wrote the 'Historia de la Economía Política de Aragón', frequently referred to olive trees in Lower Aragón.

The current fame of *Aceite del Bajo Aragón* can be traced back to the end of the 19th century, when a thriving Tortosa, the main market for oil from that part of Aragón, attracted large firms keen to exploit the qualities of the local oil. Soon afterwards, however, a number of firms sprang up in Alcañiz, their aim being to obtain their oil direct from Lower Aragón, bypassing Tortosa and the fierce competition there altogether. Another major bibliographical reference, this time to the fame of *Aceite del Bajo Aragón* in the early years of the 20th century, is a book written in 1918 by Isidro Aguiló y Cortés and entitled 'Elaboración del Aceite de Oliva'. In the first third of the 20th century *Aceite del Bajo Aragón* was held in high regard by gastronomes such as Teodoro Bardají and Dionisio Pérez. Outside the region, *Aceite del Bajo Aragón* is often said to be simply the best olive oil in the world, a view echoed by Daniel Magrané in his book 'El aceite de oliva en España' (Espasa Calpe, 1961).

The area of production is situated in Lower Aragón, i.e. the south-eastern part of the Ebro basin, an area which in essence coincides with the valleys of the Aguavivas, Martín, Regallo, Guadalope and Matarraña rivers. It is characterised by its dryness, its low and irregular rainfall and its extremes of temperature. In effect the terrain protects the area from both Mediterranean and Atlantic maritime influences and produces a continental type of climate. The *cierzo*, the prevailing strong north easterly wind, serves to accentuate the dryness.

The area is flat to undulating, with altitudes ranging from 122 metres at Caspe to 632 metres at Alcorisa. The soil is limy, with some strata of gypsum, this being a characteristic of lake sedimentation and a warm and dry climate during the Miocene.

The average annual rainfall and temperature are 350 mm and 14,8 °C respectively. Appropriate cultivation techniques, upkeep of the soil, fertilisation, pruning and the control of pests and diseases supplement an environment which, by virtue of its geographical characteristics, is suited to the cultivation of olive trees.

4.7. Inspection body:

Name: Consejo Regulador de la denominación de origen 'Aceite del Bajo Aragón'

Address: Bartolomé Esteban, 58, E-44600 Alcañiz (Teruel)

Tel. (34) 978 83 45 47

Fax (34) 978 83 45 52

The Consejo Regulador de la denominación de origen 'Aceite del Bajo Aragón' complies with standard EN-45011.

4.8. Labelling: Must include the words 'Aceite del Bajo Aragón'. The labels must be approved by the Regulating Council. The back labels are numbered and are supplied by the Regulating Council.

4.9. National requirements:

- Law No 25/1970 of 2 December 1970 on rules governing viticulture, wine and spirits;
- Decree No 835/1972 of 28 March 1972 on detailed rules for the implementation of Law No 25/1970;
- Order of 25 January 1994 specifying the correlation between Spanish law and Regulation (EEC) No 2081/92 as regards designations of origin and geographical indications for agricultural products and foodstuffs;
- Royal Decree No 1643/1999 of 22 October 1999 on the procedure governing applications for entry into the Community register of protected designations of origin and protected geographical indications.

EC No: G/E/00118/2000.02.01.

Date of receipt of the full application: 26 July 2000.

**Commission communication in the framework of the implementation of the Council Directive
94/9/EC**

(February 2001)

(2001/C 51/03)

(Text with EEA relevance)

(Publication of titles and references of harmonised standards under the Directive)

European standardisation organisation (*)	Reference and title of the standard	Reference document	Reference of the superseded standard	Date of cessation of presumption of conformity of the superseded standard Note 1
CEN	EN 1127-1:1997 Explosive atmospheres — Explosion prevention and protection — Part 1: Basic concepts and methodology		NONE	—
Cenelec	EN 50014:1997 Electrical apparatus for potentially explosive atmospheres — General requirements Amendment A1:1999 to EN 50014:1997 Amendment A2:1999 to EN 50014:1997		NONE Note 3 Note 3	— — —
Cenelec	EN 50015:1998 Electrical apparatus for potentially explosive atmospheres — Oil immersion 'o'		NONE	—
Cenelec	EN 50017:1998 Electrical apparatus for potentially explosive atmospheres — Powder filling 'q'		NONE	—
Cenelec	EN 50018:2000 Electrical apparatus for potentially explosive atmospheres — Flameproof enclosure 'd'		NONE	—
Cenelec	EN 50019:2000 Electrical apparatus for potentially explosive atmospheres — Increased safety 'e'		NONE	—
Cenelec	EN 50021:1999 Electrical apparatus for potentially explosive atmospheres — Type of protection 'n'		NONE	—
Cenelec	EN 50054:1998 Electrical apparatus for the detection and measurement of combustible gases — General requirements and test methods		NONE	—
Cenelec	EN 50055:1998 Electrical apparatus for the detection and measurement of combustible gases — Performance requirements for Group I apparatus indicating up to 5 % (v/v) methane in air		NONE	—
Cenelec	EN 50056:1998 Electrical apparatus for the detection and measurement of combustible gases — Performance requirements for Group I apparatus indicating up to 100 % (v/v) methane in air		NONE	—
Cenelec	EN 50057:1998 Electrical apparatus for the detection and measurement of combustible gases — Performance requirements for Group II apparatus indicating up to 100 % lower explosive limit		NONE	—

European standardisation organisation ⁽¹⁾	Reference and title of the standard	Reference document	Reference of the superseded standard	Date of cessation of presumption of conformity of the superseded standard Note 1
Cenelec	EN 50058:1998 Electrical apparatus for the detection and measurement of combustible gases — Performance requirements for Group II apparatus indicating up to 100 % (v/v) gas		NONE	—
Cenelec	EN 50104:1998 Electrical apparatus for the detection and measurement of oxygen — Performance requirements and test methods		NONE	—
Cenelec	EN 50241-1:1999 Specification for open path apparatus for the detection of combustible or toxic gases and vapours — Part 1: General requirements and test methods		NONE	—
Cenelec	EN 50241-2:1999 Specification for open path apparatus for the detection of combustible or toxic gases and vapours — Part 2: Performance requirements for apparatus for the detection of combustible gases		NONE	—
Cenelec	EN 50281-1-1:1998 Electrical apparatus for use in the presence of combustible dust — Part 1-1: Electrical apparatus protected by enclosures — Construction and testing		NONE	—
Cenelec	EN 50281-1-2:1998 Electrical apparatus for use in the presence of combustible dust — Part 1-2: Electrical apparatus protected by enclosures — Selection, installation and maintenance + Corrigendum 12.1999		NONE	—
Cenelec	EN 50281-2-1:1998 Electrical apparatus for use in the presence of combustible dust — Part 2-1: Test methods — Methods for determining the minimum ignition temperatures of dust		NONE	—
Cenelec	EN 50284:1999 Special requirements for construction, test and marking of electrical apparatus of equipment group II, Category 1 G		NONE	—
Cenelec	EN 50303:2000 Group I, Category M1 equipment intended to remain functional in atmospheres endangered by firedamp and/or coal dust		NONE	—

⁽¹⁾ CEN: rue de Stassart/Stassartstraat 36, B-1050 Brussels; tel. (32-2) 550 08 11, fax (32-2) 550 08 19 (<http://www.cenorm.be>);
Cenelec: rue de Stassart/Stassartstraat 35, B-1050 Brussels; tel. (32-2) 519 68 71, fax (32-2) 519 69 19 (<http://www.cenelec.org>);
ETSI: BP 152, F-06561 Valbonne Cedex, tel. (33-4) 92 94 42 12, fax (33-4) 93 65 47 16 (<http://www.etsi.org>).

Note 1: Generally the date of cessation of presumption of conformity will be the date of withdrawal ('dow'), set by the European standards body, but attention of users of these standards is drawn to the fact that in certain exceptional cases this can be otherwise.

Note 3: In case of amendments, the referenced standard is EN CCCC:YYYY, its previous amendments, if any, and the new, quoted amendment. The superseded standard (column 4) therefore consists of EN CCCC:YYYY and its previous amendments, if any, but without the new quoted amendment. On the date stated, the superseded standard ceases to give presumption of conformity with the essential requirements of the directive.

Example: For EN 50014:1997, the following applies:

Cenelec	<p>EN 50014:1997</p> <p>Electrical apparatus for potentially explosive atmospheres — General requirements (The referenced standard is EN 50014:1997)</p> <p>Amendment A1:1999 to EN 50014:1997 (The referenced standard is EN 50014:1997 +A1:1999 to EN 50014:1997)</p> <p>Amendment A2:1999 to EN 50014:1997 (The referenced standard is EN 50014:1997 +A1:1999 to EN 50014:1997 +A2:1999 to EN 50014:1997)</p>		<p>NONE (There is no superseded standard)</p> <p>Note 3 (The superseded standard is EN 50014:1997)</p> <p>Note 3 (The superseded standard is EN 50014:1997 +A1:1999 to EN 50014:1997)</p>	<p>—</p> <p>—</p> <p>—</p>
---------	--	--	---	----------------------------

Non-opposition to a notified concentration

(Case COMP/M.2090 — Liverpool Victoria Friendly Society/AC Ventures/JV)

(2001/C 51/04)

(Text with EEA relevance)

On 6 December 2000 the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CEN' version of the CELEX database, under document No 300M2090. CELEX is the computerised documentation system of European Community law.

For more information concerning subscriptions please contact:

EUR-OP,
Information, Marketing and Public Relations (OP/A/4-B),
2, rue Mercier,
L-2985 Luxembourg.
Tel. (352) 29 29 424 55, fax (352) 29 29 427 63.

Non-opposition to a notified concentration
(Case COMP/M.2251 — AOL/Banco Santander/JV)

(2001/C 51/05)

(Text with EEA relevance)

On 19 December 2000 the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CEN' version of the CELEX database, under document No 300M2251. CELEX is the computerised documentation system of European Community law.

For more information concerning subscriptions please contact:

EUR-OP,
Information, Marketing and Public Relations (OP/A/4-B),
2, rue Mercier,
L-2985 Luxembourg.
Tel. (352) 29 29 424 55, fax (352) 29 29 427 63.

Non-opposition to a notified concentration
(Case COMP/M.2066 — Dana/Getrag)

(2001/C 51/06)

(Text with EEA relevance)

On 7 November 2000 the Commission decided not to oppose the above notified concentration and to declare it compatible with the common market. This decision is based on Article 6(1)(b) of Council Regulation (EEC) No 4064/89. The full text of the decision is only available in English and will be made public after it is cleared of any business secrets it may contain. It will be available:

- as a paper version through the sales offices of the Office for Official Publications of the European Communities (see list on the last page),
- in electronic form in the 'CEN' version of the CELEX database, under document No 300M2066. CELEX is the computerised documentation system of European Community law.

For more information concerning subscriptions please contact:

EUR-OP,
Information, Marketing and Public Relations (OP/A/4-B),
2, rue Mercier,
L-2985 Luxembourg.
Tel. (352) 29 29 424 55, fax (352) 29 29 427 63.

Prior notification of a concentration
(Case COMP/M.2356 — Hermes/Codan/JV)

Candidate case for simplified procedure

(2001/C 51/07)

(Text with EEA relevance)

1. On 9 February 2001 the Commission received notification of a proposed concentration pursuant to Article 4 of Council Regulation (EEC) No 4064/89 ⁽¹⁾, as last amended by Regulation (EC) No 1310/97 ⁽²⁾, by which the undertaking Hermes Versicherungsbeiträge GmbH (HVG), a subsidiary of Hermes Kreditversicherungs AG, Germany, belonging to Allianz AG (Allianz), Germany, acquires, within the meaning of Article 3(1)(b) of the Regulation, joint control of the undertaking UAD Lietuvos draudimo Kredito draudimo (LDKD), Lithuania, a subsidiary of AB Lietuvos Draudimas, at present solely controlled by Codan A/S (Codan), Denmark, belonging to the Royal & Sun Alliances Insurance Group plc (R & SA), United Kingdom, by way of purchase of shares.

2. The business activities of the undertakings concerned are:

- HVG (Allianz group): insurance business,
- Codan (R & SA group): insurance business,
- LDKD: credit insurance business in Lithuania.

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

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

Observations must reach the Commission not later than 10 days following the date of this publication. Observations can be sent by fax (No (32-2) 296 43 01 or 296 72 44) or by post, under reference COMP/M.2356 — Hermes/Codan/JV, to:

European Commission,
Directorate-General for Competition,
Directorate B — Merger Task Force,
Rue Joseph II/Jozef II-straat 70,
B-1000 Brussels.

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

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

⁽³⁾ OJ C 217, 29.7.2000, p. 32.

III

(Notices)

EUROPEAN PARLIAMENT

NOTICE OF SELECTION PROCEDURE

(2001/C 51/08)

The European Parliament Secretariat is organising the following selection procedure ⁽¹⁾:

PE/60/S — TEMPORARY MEMBER OF STAFF (B 5)
Purchasing and Catering Division

⁽¹⁾ OJ C 51 A, 16.2.2001 (edition in all official languages of the European Union).

COMMISSION

Operation of scheduled air services

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

(2001/C 51/09)

(Text with EEA relevance)

1. **Introduction:** Subsequent to the amendment to the public service obligations concerning connections with Sardinia published in OJ No C 49 of 15.2.2001, the following invitation to tender shall be substituted in its entirety for that published in OJ No 357 of 13.12.2000.

Pursuant to Article 4(1)(a) of Council Regulation (EEC) No 2408/92 of 23.7.1992 on access for Community air carriers to intra-Community air routes, in accordance with the proposal by the Autonomous Region of Sardinia, the Italian government has decided to impose a public service obligation on scheduled air services between:

— Olbia and Rome.

The terms of the public service obligation were published on page 16 of the *Official Journal of the European Communities* No C 284 of 7.10.2000, and amended by the communication published in the *Official Journal of the European Communities* No C 49 of 15.2.2001.

Insofar as by 15.4.2001, no air carrier has commenced or is about to commence scheduled air services on the above-mentioned route, in accordance with the public service obligation imposed and without requesting financial compensation, Italy has decided, in accordance with the procedure laid down in Article 4(1)(d) of the above-mentioned Regulation, to limit access to that route to a single air carrier and to offer by public tender, the right to operate such services commencing no sooner than 15.5.2001, providing that the provisions laid down in Article 4 of Council Regulation (EEC) No 2408/92 are observed.

Tenderers may present bids to operate services on other routes leaving from airports in Sardinia for which invitations to tender were published in the *Supplement to the Official Journal of the European Communities* on the same day, particularly where this results in a reduction in the overall compensation required. However, they must set out clearly the amount of compensation required in respect of each route, where appropriate specifying a

range of different rates depending on whether their bid is accepted in part or as a whole.

2. **Subject of the invitation to tender:** Operation of scheduled air services between Olbia and Rome, in accordance with the public service obligation imposed on that route and published on page 16 of the *Official Journal of the European Communities* No C 284 of 7.10.2000, in accordance with the provisions laid down in Council Regulation (EEC) No 2408/92 and in any case commencing no sooner than 15.5.2001.
3. **Participation in the tender procedure:** Participation is open to all air carriers who hold a valid operating licence issued by a Member State, in accordance with Council Regulation (EEC) No 2407/92 of 23.7.1992 on licensing of air carriers.
4. **Call procedure:** The invitation to tender is subject to the provisions of Article 4(1)(d)-(f), (h) and (i) of Council Regulation (EEC) No 2408/92.
5. **Tender dossier:** The full tender dossier, including the specific rules for the invitation to tender and other relevant information, is obtainable free of charge from either of the following addresses:
- ENAC, Direzione Generale, via di Villa Ricotti 42, I-00161 Roma;
- Regione Autonoma della Sardegna, Assessorato Regionale ai Trasporti, via Caprera 15, I-09123 Cagliari.
6. **Financial compensation:** Tenders must explicitly state the amount of compensation required for operating the service in question for 2 years from the scheduled starting date, with the option to extend for a further 12 months, accounted on an annual basis. The exact amount of compensation finally granted shall be determined annually ex post on the basis of the proven costs and revenue actually generated by the service, within the limits of the amount given in the tender.

An advance shall be paid on the annual instalments, with the balance to follow. The balance shall be paid only after approval of the carrier's accounts for the route in question and verification that the service has been operated in accordance with the conditions laid down in Article 8 below.

7. **Fares:** Tenders must indicate the proposed fare structure in accordance with the public service obligation published in the *Official Journal of the European Communities* No C 49 of 15.2.2001.
8. **Duration and amendment of the contract:** The contract shall run for 2 years, with the option to extend for a further 12 months, as of the date on which the scheduled air service on the route in question shall commence operation, in accordance with the public service obligation imposed.
- The operation of the contracted service and the carrier's cost accounting shall be the subject of an annual examination in cooperation with the carrier. No changes shall be made to the service provided without an additional agreement.
9. **Termination of contract and notice:** The parties must give 6 months' notice before terminating the contract. If the carrier fails to respect the public service obligation, it shall be deemed to have terminated the contract without notice, if it does not resume the service in accordance with the public service obligation within 1 month of the serving of formal notice.
10. **Penalties in case of non-fulfilment of the contracts:** In the event that the carrier is prevented from operating the service on the route in question on account of:

- dangerous weather conditions;
- closure of 1 of the airports;
- issues of public safety;
- industrial action;
- problems relating to security; or,
- force majeure;

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

The carrier is responsible for seeing that the obligations incurred under the contract are strictly carried out. In the

event that the carrier fails, wholly or in part, to fulfil its contractual obligations for reasons other than force majeure, circumstances beyond the carrier's control, or abnormal or unforeseeable events which could not have been avoided, even had the carrier taken all possible measures to do so, then the Italian authorities may terminate the contract without notice.

The number of flights cancelled for reasons directly attributable to the carrier must not exceed 1 % of the number of flights scheduled in any scheduling season.

In the event the carrier fails, wholly or in part, to fulfil its contractual obligations, it may be obliged to provide compensation for the damages suffered by the island's population, the value of which shall be determined by the competent legal authority.

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

Failure by the carrier to observe the period of notice referred to in Article 9, shall be subject to a penalty calculated on the basis of the number of days of default and the deficit recorded on the route over the year in question. In no case shall the penalty be greater than the amount of financial compensation referred to in Article 6.

11. **Presentation of tenders:** Tenders must reach the following address no later than 30 days after the date of publication of the invitation to tender in the *Supplement to the Official Journal of the European Communities*:

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

and must be sent by registered letter with acknowledgement of receipt, date as postmarked, or delivered by hand with receipt.

12. **Validity of the invitation to tender:** Pursuant to Article 4(1)(d) of Council Regulation (EEC) No 2408/92, the validity of the invitation to tender is subject to the condition that no Community carrier presents by 15.4.2001, a programme for operating the route in question from 15.5.2001, in accordance with the public service obligation published on page 16 of the *Official Journal of the European Communities* No C 284 of 7.10.2000, and amended by the communication published in the *Official Journal of the European Communities* No C 49 of 15.2.2001, without requesting any financial compensation.

Operation of scheduled air services

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

(2001/C 51/10)

(Text with EEA relevance)

1. **Introduction:** Subsequent to the amendment to the public service obligations concerning connections with Sardinia published in OJ No C 49 of 15.2.2001, the following invitation to tender shall be substituted in its entirety for that published in OJ No 357 of 13.12.2000.

Pursuant to Article 4(1)(a) of Council Regulation (EEC) No 2408/92 of 23.7.1992 on access for Community air carriers to intra-Community air routes, in accordance with the proposal by the Autonomous Region of Sardinia, the Italian government has decided to impose a public service obligation on scheduled air services between:

— Olbia and Milan.

The terms of the public service obligation were published on page 16 of the *Official Journal of the European Communities* No C 284 of 7.10.2000, and amended by the communication published in the *Official Journal of the European Communities* No C 49 of 15.2.2001.

Insofar as by 15.4.2001, no air carrier has commenced or is about to commence scheduled air services on the above-mentioned route, in accordance with the public service obligation imposed and without requesting financial compensation, Italy has decided, in accordance with the procedure laid down in Article 4(1)(d) of the above-mentioned Regulation, to limit access to that route to a single air carrier and to offer by public tender, the right to operate such services commencing no sooner than 15.5.2001, providing that the provisions laid down in Article 4 of Council Regulation (EEC) No 2408/92 are observed.

Tenderers may present bids to operate services on other routes leaving from airports in Sardinia for which invitations to tender were published in the *Supplement to the Official Journal of the European Communities* on the same day, particularly where this results in a reduction in the overall compensation required. However, they must set out clearly the amount of compensation required in respect of each route, where appropriate specifying a range of different rates depending on whether their bid is accepted in part or as a whole.

2. **Subject of the invitation to tender:** Operation of scheduled air services between Olbia and Milan, in accordance with the public service obligation imposed on that route and published on page 16 of the *Official Journal of the European Communities* No C 284 of 7.10.2000, in accordance with the provisions laid down in Council Regulation (EEC) No 2408/92 and in any case commencing no sooner than 15.5.2001.

3. **Participation in the tender procedure:** Participation is open to all air carriers who hold a valid operating licence issued by a Member State, in accordance with Council Regulation (EEC) No 2407/92 of 23.7.1992 on licensing of air carriers.

4. **Call procedure:** The invitation to tender is subject to the provisions of Article 4(1)(d)-(f), (h) and (i) of Council Regulation (EEC) No 2408/92.

5. **Tender dossier:** The full tender dossier, including the specific rules for the invitation to tender and other relevant information, is obtainable free of charge from either of the following addresses:

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

— Regione Autonoma della Sardegna, Assessorato Regionale ai Trasporti, via Caprera 15, I-09123 Cagliari.

6. **Financial compensation:** Tenders must explicitly state the amount of compensation required for operating the service in question for 2 years from the scheduled starting date, with the option to extend for a further 12 months, accounted on an annual basis. The exact amount of compensation finally granted shall be determined annually ex post on the basis of the proven costs and revenue actually generated by the service, within the limits of the amount given in the tender.

An advance shall be paid on the annual instalments, with the balance to follow. The balance shall be paid only after approval of the carrier's accounts for the route in question and verification that the service has been operated in accordance with the conditions laid down in Article 8 below.

7. **Fares:** Tenders must indicate the proposed fare structure in accordance with the public service obligation published in the *Official Journal of the European Communities* No C 49 of 15.2.2001.
8. **Duration and amendment of the contract:** The contract shall run for 2 years, with the option to extend for a further 12 months, as of the date on which the scheduled air service on the route in question shall commence operation, in accordance with the public service obligation imposed.
- The operation of the contracted service and the carrier's cost accounting shall be the subject of an annual examination in cooperation with the carrier. No changes shall be made to the service provided without an additional agreement.
9. **Termination of contract and notice:** The parties must give 6 months' notice before terminating the contract. If the carrier fails to respect the public service obligation, it shall be deemed to have terminated the contract without notice, if it does not resume the service in accordance with the public service obligation within 1 month of the serving of formal notice.

10. **Penalties in case of non-fulfilment of the contracts:** In the event that the carrier is prevented from operating the service on the route in question on account of:

- dangerous weather conditions;
- closure of 1 of the airports;
- issues of public safety;
- industrial action;
- problems relating to security; or,
- force majeure;

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

The carrier is responsible for seeing that the obligations incurred under the contract are strictly carried out. In the event that the carrier fails, wholly or in part, to fulfil its contractual obligations for reasons other than force majeure, circumstances beyond the carrier's control, or abnormal or unforeseeable events which could not have been avoided, even had the carrier taken all possible

measures to do so, then the Italian authorities may terminate the contract without notice.

The number of flights cancelled for reasons directly attributable to the carrier must not exceed 1 % of the number of flights scheduled in any scheduling season.

In the event the carrier fails, wholly or in part, to fulfil its contractual obligations, it may be obliged to provide compensation for the damages suffered by the island's population, the value of which shall be determined by the competent legal authority.

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

Failure by the carrier to observe the period of notice referred to in Article 9, shall be subject to a penalty calculated on the basis of the number of days of default and the deficit recorded on the route over the year in question. In no case shall the penalty be greater than the amount of financial compensation referred to in Article 6.

11. **Presentation of tenders:**

Tenders must reach the following address no later than 30 days after the date of publication of the invitation to tender in the *Supplement to the Official Journal of the European Communities*:

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

and must be sent by registered letter with acknowledgement of receipt, date as postmarked, or delivered by hand with receipt.

12. **Validity of the invitation to tender:** Pursuant to Article 4(1)(d) of Council Regulation (EEC) No 2408/92, the validity of the invitation to tender is subject to the condition that no Community carrier presents by 15.4.2001, a programme for operating the route in question from 15.5.2001, in accordance with the public service obligation published on page 16 of the *Official Journal of the European Communities* No C 284 of 7.10.2000, and amended by the communication published in the *Official Journal of the European Communities* No C 49 of 15.2.2001, without requesting any financial compensation.

Operation of scheduled air services

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

(2001/C 51/11)

(Text with EEA relevance)

1. **Introduction:** Subsequent to the amendment to the public service obligations concerning connections with Sardinia published in OJ No C 49 of 15.2.2001, the following invitation to tender shall be substituted in its entirety for that published in OJ No 357 of 13.12.2000.

Pursuant to Article 4(1)(a) of Council Regulation (EEC) No 2408/92 of 23.7.1992 on access for Community air carriers to intra-Community air routes, in accordance with the proposal by the Autonomous Region of Sardinia, the Italian government has decided to impose a public service obligation on scheduled air services between:

— Cagliari and Rome.

The terms of the public service obligation were published on page 16 of the *Official Journal of the European Communities* No C 284 of 7.10.2000, and amended by the communication published in the *Official Journal of the European Communities* No C 49 of 15.2.2001.

Insofar as by 15.4.2001, no air carrier has commenced or is about to commence scheduled air services on the above-mentioned route, in accordance with the public service obligation imposed and without requesting financial compensation, Italy has decided, in accordance with the procedure laid down in Article 4(1)(d) of the above-mentioned Regulation, to limit access to that route to a single air carrier and to offer by public tender, the right to operate such services commencing no sooner than 15.5.2001, providing that the provisions laid down in Article 4 of Council Regulation (EEC) No 2408/92 are observed.

Tenderers may present bids to operate services on other routes leaving from airports in Sardinia for which invitations to tender were published in the *Supplement to the Official Journal of the European Communities* on the same day, particularly where this results in a reduction in the overall compensation required. However, they must set out clearly the amount of compensation required in respect of each route, where appropriate specifying a range of different rates depending on whether their bid is accepted in part or as a whole.

2. **Subject of the invitation to tender:** Operation of scheduled air services between Cagliari and Rome, in accordance with the public service obligation imposed

on that route and published on page 16 of the *Official Journal of the European Communities* No C 284 of 7.10.2000, in accordance with the provisions laid down in Council Regulation (EEC) No 2408/92 and in any case commencing no sooner than 15.5.2001.

3. **Participation in the tender procedure:** Participation is open to all air carriers who hold a valid operating licence issued by a Member State, in accordance with Council Regulation (EEC) No 2407/92 of 23.7.1992 on licensing of air carriers.

4. **Call procedure:** The invitation to tender is subject to the provisions of Article 4(1)(d)-(f), (h) and (i) of Council Regulation (EEC) No 2408/92.

5. **Tender dossier:** The full tender dossier, including the specific rules for the invitation to tender and other relevant information, is obtainable free of charge from either of the following addresses:

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

— Regione Autonoma della Sardegna, Assessorato Regionale ai Trasporti, via Caprera 15, I-09123 Cagliari.

6. **Financial compensation:** Tenders must explicitly state the amount of compensation required for operating the service in question for 2 years from the scheduled starting date, with the option to extend for a further 12 months, accounted on an annual basis. The exact amount of compensation finally granted shall be determined annually ex post on the basis of the proven costs and revenue actually generated by the service, within the limits of the amount given in the tender.

An advance shall be paid on the annual instalments, with the balance to follow. The balance shall be paid only after approval of the carrier's accounts for the route in question and verification that the service has been operated in accordance with the conditions laid down in Article 8 below.

7. **Fares:** Tenders must indicate the proposed fare structure in accordance with the public service obligation published in the *Official Journal of the European Communities* No C 49 of 15.2.2001.
8. **Duration and amendment of the contract:** The contract shall run for 2 years, with the option to extend for a further 12 months, as of the date on which the scheduled air service on the route in question shall commence operation, in accordance with the public service obligation imposed.
- The operation of the contracted service and the carrier's cost accounting shall be the subject of an annual examination in cooperation with the carrier. No changes shall be made to the service provided without an additional agreement.
9. **Termination of contract and notice:** The parties must give 6 months' notice before terminating the contract. If the carrier fails to respect the public service obligation, it shall be deemed to have terminated the contract without notice, if it does not resume the service in accordance with the public service obligation within 1 month of the serving of formal notice.

10. **Penalties in case of non-fulfilment of the contracts:** In the event that the carrier is prevented from operating the service on the route in question on account of:

- dangerous weather conditions;
- closure of 1 of the airports;
- issues of public safety;
- industrial action;
- problems relating to security; or,
- force majeure;

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

The carrier is responsible for seeing that the obligations incurred under the contract are strictly carried out. In the event that the carrier fails, wholly or in part, to fulfil its contractual obligations for reasons other than force majeure, circumstances beyond the carrier's control, or abnormal or unforeseeable events which could not have

been avoided, even had the carrier taken all possible measures to do so, then the Italian authorities may terminate the contract without notice.

The number of flights cancelled for reasons directly attributable to the carrier must not exceed 1% of the number of flights scheduled in any scheduling season.

In the event the carrier fails, wholly or in part, to fulfil its contractual obligations, it may be obliged to provide compensation for the damages suffered by the island's population, the value of which shall be determined by the competent legal authority.

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

Failure by the carrier to observe the period of notice referred to in Article 9, shall be subject to a penalty calculated on the basis of the number of days of default and the deficit recorded on the route over the year in question. In no case shall the penalty be greater than the amount of financial compensation referred to in Article 6.

11. **Presentation of tenders:** Tenders must reach the following address no later than 30 days after the date of publication of the invitation to tender in the *Supplement to the Official Journal of the European Communities*:

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

and must be sent by registered letter with acknowledgement of receipt, date as postmarked, or delivered by hand with receipt.

12. **Validity of the invitation to tender:** Pursuant to Article 4(1)(d) of Council Regulation (EEC) No 2408/92, the validity of the invitation to tender is subject to the condition that no Community carrier presents by 15.4.2001, a programme for operating the route in question from 15.5.2001, in accordance with the public service obligation published on page 16 of the *Official Journal of the European Communities* No C 284 of 7.10.2000, and amended by the communication published in the *Official Journal of the European Communities* No C 49 of 15.2.2001, without requesting any financial compensation.

Operation of scheduled air services

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

(2001/C 51/12)

(Text with EEA relevance)

1. **Introduction:** Subsequent to the amendment to the public service obligations concerning connections with Sardinia published in OJ No C 49 of 15.2.2001, the following invitation to tender shall be substituted in its entirety for that published in OJ No 357 of 13.12.2000.

Pursuant to Article 4(1)(a) of Council Regulation (EEC) No 2408/92 of 23.7.1992 on access for Community air carriers to intra-Community air routes, in accordance with the proposal by the Autonomous Region of Sardinia, the Italian government has decided to impose a public service obligation on scheduled air services between:

— Cagliari and Milan.

The terms of the public service obligation were published on page 16 of the *Official Journal of the European Communities* No C 284 of 7.10.2000, and amended by the communication published in the *Official Journal of the European Communities* No C 49 of 15.2.2001.

Insofar as by 15.4.2001, no air carrier has commenced or is about to commence scheduled air services on the above-mentioned route, in accordance with the public service obligation imposed and without requesting financial compensation, Italy has decided, in accordance with the procedure laid down in Article 4(1)(d) of the above-mentioned Regulation, to limit access to that route to a single air carrier and to offer by public tender, the right to operate such services commencing no sooner than 15.5.2001, providing that the provisions laid down in Article 4 of Council Regulation (EEC) No 2408/92 are observed.

Tenderers may present bids to operate services on other routes leaving from airports in Sardinia for which invitations to tender were published in the *Supplement to the Official Journal of the European Communities* on the same day, particularly where this results in a reduction in the overall compensation required. However, they must set out clearly the amount of compensation required in respect of each route, where appropriate specifying a range of different rates depending on whether their bid is accepted in part or as a whole.

2. **Subject of the invitation to tender:** Operation of scheduled air services between Cagliari and Milan, in

accordance with the public service obligation imposed on that route and published on page 16 of the *Official Journal of the European Communities* No C 284 of 7.10.2000, in accordance with the provisions laid down in Council Regulation (EEC) No 2408/92 and in any case commencing no sooner than 15.5.2001.

3. **Participation in the tender procedure:** Participation is open to all air carriers who hold a valid operating licence issued by a Member State, in accordance with Council Regulation (EEC) No 2407/92 of 23.7.1992 on licensing of air carriers.

4. **Call procedure:** The invitation to tender is subject to the provisions of Article 4(1)(d)-(f), (h) and (i) of Council Regulation (EEC) No 2408/92.

5. **Tender dossier:** The full tender dossier, including the specific rules for the invitation to tender and other relevant information, is obtainable free of charge from either of the following addresses:

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

— Regione Autonoma della Sardegna, Assessorato Regionale ai Trasporti, via Caprera 15, I-09123 Cagliari.

6. **Financial compensation:** Tenders must explicitly state the amount of compensation required for operating the service in question for 2 years from the scheduled starting date, with the option to extend for a further 12 months, accounted on an annual basis. The exact amount of compensation finally granted shall be determined annually ex post on the basis of the proven costs and revenue actually generated by the service, within the limits of the amount given in the tender.

An advance shall be paid on the annual instalments, with the balance to follow. The balance shall be paid only after approval of the carrier's accounts for the route in question and verification that the service has been operated in accordance with the conditions laid down in Article 8 below.

7. **Fares:** Tenders must indicate the proposed fare structure in accordance with the public service obligation published in the *Official Journal of the European Communities* No C 49 of 15.2.2001.
8. **Duration and amendment of the contract:** The contract shall run for 2 years, with the option to extend for a further 12 months, as of the date on which the scheduled air service on the route in question shall commence operation, in accordance with the public service obligation imposed.
- The operation of the contracted service and the carrier's cost accounting shall be the subject of an annual examination in cooperation with the carrier. No changes shall be made to the service provided without an additional agreement.
9. **Termination of contract and notice:** The parties must give 6 months' notice before terminating the contract. If the carrier fails to respect the public service obligation, it shall be deemed to have terminated the contract without notice, if it does not resume the service in accordance with the public service obligation within 1 month of the serving of formal notice.

10. **Penalties in case of non-fulfilment of the contracts:** In the event that the carrier is prevented from operating the service on the route in question on account of:

- dangerous weather conditions;
- closure of 1 of the airports;
- issues of public safety;
- industrial action;
- problems relating to security; or,
- force majeure;

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

The carrier is responsible for seeing that the obligations incurred under the contract are strictly carried out. In the event that the carrier fails, wholly or in part, to fulfil its contractual obligations for reasons other than force majeure, circumstances beyond the carrier's control, or

abnormal or unforeseeable events which could not have been avoided, even had the carrier taken all possible measures to do so, then the Italian authorities may terminate the contract without notice.

The number of flights cancelled for reasons directly attributable to the carrier must not exceed 1 % of the number of flights scheduled in any scheduling season.

In the event the carrier fails, wholly or in part, to fulfil its contractual obligations, it may be obliged to provide compensation for the damages suffered by the island's population, the value of which shall be determined by the competent legal authority.

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

Failure by the carrier to observe the period of notice referred to in Article 9, shall be subject to a penalty calculated on the basis of the number of days of default and the deficit recorded on the route over the year in question. In no case shall the penalty be greater than the amount of financial compensation referred to in Article 6.

11. **Presentation of tenders:** Tenders must reach the following address no later than 30 days after the date of publication of the invitation to tender in the *Supplement to the Official Journal of the European Communities*:

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

and must be sent by registered letter with acknowledgement of receipt, date as postmarked, or delivered by hand with receipt.

12. **Validity of the invitation to tender:** Pursuant to Article 4(1)(d) of Council Regulation (EEC) No 2408/92, the validity of the invitation to tender is subject to the condition that no Community carrier presents by 15.4.2001, a programme for operating the route in question from 15.5.2001, in accordance with the public service obligation published on page 16 of the *Official Journal of the European Communities* No C 284 of 7.10.2000, and amended by the communication published in the *Official Journal of the European Communities* No C 49 of 15.2.2001, without requesting any financial compensation.

Operation of scheduled air services

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

(2001/C 51/13)

(Text with EEA relevance)

1. **Introduction:** Subsequent to the amendment to the public service obligations concerning connections with Sardinia published in OJ No C 49 of 15.2.2001, the following invitation to tender shall be substituted in its entirety for that published in OJ No 357 of 13.12.2000.

Pursuant to Article 4(1)(a) of Council Regulation (EEC) No 2408/92 of 23.7.1992 on access for Community air carriers to intra-Community air routes, in accordance with the proposal by the Autonomous Region of Sardinia, the Italian government has decided to impose a public service obligation on scheduled air services between:

— Alghero and Milan.

The terms of the public service obligation were published on page 16 of the *Official Journal of the European Communities* No C 284 of 7.10.2000, and amended by the communication published in the *Official Journal of the European Communities* No C 49 of 15.2.2001.

Insofar as by 15.4.2001, no air carrier has commenced or is about to commence scheduled air services on the above-mentioned route, in accordance with the public service obligation imposed and without requesting financial compensation, Italy has decided, in accordance with the procedure laid down in Article 4(1)(d) of the above-mentioned Regulation, to limit access to that route to a single air carrier and to offer by public tender, the right to operate such services commencing no sooner than 15.5.2001, providing that the provisions laid down in Article 4 of Council Regulation (EEC) No 2408/92 are observed.

Tenderers may present bids to operate services on other routes leaving from airports in Sardinia for which invitations to tender were published in the *Supplement to the Official Journal of the European Communities* on the same day, particularly where this results in a reduction in the overall compensation required. However, they must set out clearly the amount of compensation required in respect of each route, where appropriate specifying a range of different rates depending on whether their bid is accepted in part or as a whole.

2. **Subject of the invitation to tender:** Operation of scheduled air services between Alghero and Milan, in accordance with the public service obligation imposed on that route and published on page 16 of the *Official*

Journal of the European Communities No C 284 of 7.10.2000, in accordance with the provisions laid down in Council Regulation (EEC) No 2408/92 and in any case commencing no sooner than 15.5.2001.

3. **Participation in the tender procedure:** Participation is open to all air carriers who hold a valid operating licence issued by a Member State, in accordance with Council Regulation (EEC) No 2407/92 of 23.7.1992 on licensing of air carriers.
4. **Call procedure:** The invitation to tender is subject to the provisions of Article 4(1)(d)-(f), (h) and (i) of Council Regulation (EEC) No 2408/92.

5. **Tender dossier:** The full tender dossier, including the specific rules for the invitation to tender and other relevant information, is obtainable free of charge from either of the following addresses:

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

— Regione Autonoma della Sardegna, Assessorato Regionale ai Trasporti, via Caprera 15, I-09123 Cagliari.

6. **Financial compensation:** Tenders must explicitly state the amount of compensation required for operating the service in question for 2 years from the scheduled starting date, with the option to extend for a further 12 months, accounted on an annual basis. The exact amount of compensation finally granted shall be determined annually ex post on the basis of the proven costs and revenue actually generated by the service, within the limits of the amount given in the tender.

An advance shall be paid on the annual instalments, with the balance to follow. The balance shall be paid only after approval of the carrier's accounts for the route in question and verification that the service has been operated in accordance with the conditions laid down in Article 8 below.

7. **Fares:** Tenders must indicate the proposed fare structure in accordance with the public service obligation published in the *Official Journal of the European Communities* No C 49 of 15.2.2001.

8. **Duration and amendment of the contract:** The contract shall run for 2 years, with the option to extend for a further 12 months, as of the date on which the scheduled air service on the route in question shall commence operation, in accordance with the public service obligation imposed.

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

9. **Termination of contract and notice:** The parties must give 6 months' notice before terminating the contract. If the carrier fails to respect the public service obligation, it shall be deemed to have terminated the contract without notice, if it does not resume the service in accordance with the public service obligation within 1 month of the serving of formal notice.
10. **Penalties in case of non-fulfilment of the contracts:** In the event that the carrier is prevented from operating the service on the route in question on account of:

- dangerous weather conditions;
- closure of 1 of the airports;
- issues of public safety;
- industrial action;
- problems relating to security; or,
- force majeure;

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

The carrier is responsible for seeing that the obligations incurred under the contract are strictly carried out. In the event that the carrier fails, wholly or in part, to fulfil its contractual obligations for reasons other than force majeure, circumstances beyond the carrier's control, or abnormal or unforeseeable events which could not have been avoided, even had the carrier taken all possible measures to do so, then the Italian authorities may terminate the contract without notice.

The number of flights cancelled for reasons directly attributable to the carrier must not exceed 1% of the number of flights scheduled in any scheduling season.

In the event the carrier fails, wholly or in part, to fulfil its contractual obligations, it may be obliged to provide compensation for the damages suffered by the island's population, the value of which shall be determined by the competent legal authority.

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

Failure by the carrier to observe the period of notice referred to in Article 9, shall be subject to a penalty calculated on the basis of the number of days of default and the deficit recorded on the route over the year in question. In no case shall the penalty be greater than the amount of financial compensation referred to in Article 6.

11. **Presentation of tenders:** Tenders must reach the following address no later than 30 days after the date of publication of the invitation to tender in the *Supplement to the Official Journal of the European Communities*:

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

and must be sent by registered letter with acknowledgement of receipt, date as postmarked, or delivered by hand with receipt.

12. **Validity of the invitation to tender:** Pursuant to Article 4(1)(d) of Council Regulation (EEC) No 2408/92, the validity of the invitation to tender is subject to the condition that no Community carrier presents by 15.4.2001, a programme for operating the route in question from 15.5.2001, in accordance with the public service obligation published on page 16 of the *Official Journal of the European Communities* No C 284 of 7.10.2000, and amended by the communication published in the *Official Journal of the European Communities* No C 49 of 15.2.2001, without requesting any financial compensation.

Operation of scheduled air services

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

(2001/C 51/14)

(Text with EEA relevance)

1. **Introduction:** Subsequent to the amendment to the public service obligations concerning connections with Sardinia published in OJ No C 49 of 15.2.2001, the following invitation to tender shall be substituted in its entirety for that published in OJ No 357 of 13.12.2000.

Pursuant to Article 4(1)(a) of Council Regulation (EEC) No 2408/92 of 23.7.1992 on access for Community air carriers to intra-Community air routes, in accordance with the proposal by the Autonomous Region of Sardinia, the Italian government has decided to impose a public service obligation on scheduled air services between:

— Alghero and Rome.

The terms of the public service obligation were published on page 16 of the *Official Journal of the European Communities* No C 284 of 7.10.2000, and amended by the communication published in the *Official Journal of the European Communities* No C 49 of 15.2.2001.

Insofar as by 15.4.2001, no air carrier has commenced or is about to commence scheduled air services on the above-mentioned route, in accordance with the public service obligation imposed and without requesting financial compensation, Italy has decided, in accordance with the procedure laid down in Article 4(1)(d) of the above-mentioned Regulation, to limit access to that route to a single air carrier and to offer by public tender, the right to operate such services commencing no sooner than 15.5.2001, providing that the provisions laid down in Article 4 of Council Regulation (EEC) No 2408/92 are observed.

Tenderers may present bids to operate services on other routes leaving from airports in Sardinia for which invitations to tender were published in the *Supplement to the Official Journal of the European Communities* on the same day, particularly where this results in a reduction in the overall compensation required. However, they must set out clearly the amount of compensation required in respect of each route, where appropriate specifying a range of different rates depending on whether their bid is accepted in part or as a whole.

2. **Subject of the invitation to tender:** Operation of scheduled air services between Alghero and Rome, in accordance with the public service obligation imposed on that route and published on page 16 of the *Official Journal of the European Communities* No C 284 of 7.10.2000, in accordance with the provisions laid down in Council Regulation (EEC) No 2408/92 and in any case commencing no sooner than 15.5.2001.

3. **Participation in the tender procedure:** Participation is open to all air carriers who hold a valid operating licence issued by a Member State, in accordance with Council Regulation (EEC) No 2407/92 of 23.7.1992 on licensing of air carriers.

4. **Call procedure:** The invitation to tender is subject to the provisions of Article 4(1)(d)-(f), (h) and (i) of Council Regulation (EEC) No 2408/92.

5. **Tender dossier:** The full tender dossier, including the specific rules for the invitation to tender and other relevant information, is obtainable free of charge from either of the following addresses:

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

— Regione Autonoma della Sardegna, Assessorato Regionale ai Trasporti, via Caprera 15, I-09123 Cagliari.

6. **Financial compensation:** Tenders must explicitly state the amount of compensation required for operating the service in question for 2 years from the scheduled starting date, with the option to extend for a further 12 months, accounted on an annual basis. The exact amount of compensation finally granted shall be determined annually ex post on the basis of the proven costs and revenue actually generated by the service, within the limits of the amount given in the tender.

An advance shall be paid on the annual instalments, with the balance to follow. The balance shall be paid only after approval of the carrier's accounts for the route in question and verification that the service has been operated in accordance with the conditions laid down in Article 8 below.

7. **Fares:** Tenders must indicate the proposed fare structure in accordance with the public service obligation published in the *Official Journal of the European Communities* No C 49 of 15.2.2001.
8. **Duration and amendment of the contract:** The contract shall run for 2 years, with the option to extend for a further 12 months, as of the date on which the scheduled air service on the route in question shall commence operation, in accordance with the public service obligation imposed.
- The operation of the contracted service and the carrier's cost accounting shall be the subject of an annual examination in cooperation with the carrier. No changes shall be made to the service provided without an additional agreement.
9. **Termination of contract and notice:** The parties must give 6 months' notice before terminating the contract. If the carrier fails to respect the public service obligation, it shall be deemed to have terminated the contract without notice, if it does not resume the service in accordance with the public service obligation within 1 month of the serving of formal notice.
10. **Penalties in case of non-fulfilment of the contracts:** In the event that the carrier is prevented from operating the service on the route in question on account of:

- dangerous weather conditions;
- closure of 1 of the airports;
- issues of public safety;
- industrial action;
- problems relating to security; or,
- force majeure;

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

The carrier is responsible for seeing that the obligations incurred under the contract are strictly carried out. In the event that the carrier fails, wholly or in part, to fulfil its contractual obligations for reasons other than force majeure, circumstances beyond the carrier's control, or abnormal or unforeseeable events which could not have

been avoided, even had the carrier taken all possible measures to do so, then the Italian authorities may terminate the contract without notice.

The number of flights cancelled for reasons directly attributable to the carrier must not exceed 1% of the number of flights scheduled in any scheduling season.

In the event the carrier fails, wholly or in part, to fulfil its contractual obligations, it may be obliged to provide compensation for the damages suffered by the island's population, the value of which shall be determined by the competent legal authority.

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

Failure by the carrier to observe the period of notice referred to in Article 9, shall be subject to a penalty calculated on the basis of the number of days of default and the deficit recorded on the route over the year in question. In no case shall the penalty be greater than the amount of financial compensation referred to in Article 6.

11. **Presentation of tenders:** Tenders must reach the following address no later than 30 days after the date of publication of the invitation to tender in the *Supplement to the Official Journal of the European Communities*:
- ENAC, Direzione Generale, via di Villa Ricotti, 42, I-00161 Roma,
- and must be sent by registered letter with acknowledgement of receipt, date as postmarked, or delivered by hand with receipt.
12. **Validity of the invitation to tender:** Pursuant to Article 4(1)(d) of Council Regulation (EEC) No 2408/92, the validity of the invitation to tender is subject to the condition that no Community carrier presents by 15.4.2001, a programme for operating the route in question from 15.5.2001, in accordance with the public service obligation published on page 16 of the *Official Journal of the European Communities* No C 284 of 7.10.2000, and amended by the communication published in the *Official Journal of the European Communities* No C 49 of 15.2.2001, without requesting any financial compensation.