

Commission notice pursuant to Article 4(1)(a) of Council Regulation (EEC) No 2408/92

(2006/C 93/08)

(Text with EEA relevance)

Pursuant to Article 4(1)(a) of Council Regulation (EEC) No 2408/92 of 23 July 1992 on access for Community air carriers to intra-Community air routes, the Italian Government has decided, in accordance with the proposal put forward by the Autonomous Region of Sardinia, to impose public service obligations on scheduled air services on certain routes between Sardinian airports and the main national airports.

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

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

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

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

Alghero — Bologna and vice versa

Alghero — Turin and vice versa

Cagliari — Bologna and vice versa

Cagliari — Turin and vice versa

Cagliari — Florence and vice versa

Cagliari — Verona and vice versa

Cagliari — Naples and vice versa

Cagliari — Palermo and vice versa

Olbia — Bologna and vice versa

Olbia — Verona and vice versa

1.2. In accordance with Article 9 of Regulation (EEC) No 95/93 of 18 January 1993, as amended by Regulation (EC) No 793/2004, relating to common rules for the allocation of slots at Community airports, the competent authorities may reserve certain slots for the operation of services in accordance with these obligations.

1.3. Each of the above routes and the obligations imposed on them must be accepted individually, in their entirety and as a whole by the carriers concerned.

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

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

1.6. To avoid the overcapacity which would result if several carriers were to accept a route subject to the obligations, considering the infrastructure limitations and conditions of the airports involved, the Italian National Civil Aviation Authority, after consultation with the Autonomous Region of Sardinia, has the task of intervening in the public interest to limit the accepting carriers' flight schedules so as to ensure that, taken together, they are in line with the travel requirements underlying the obligations imposed.

Such intervention should be aimed at a fair redistribution of routes and frequencies between the accepting carriers.

1.7. For the purposes of accepting the service obligations on the abovementioned routes, each accepting carrier must meet the following minimum requirements:

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

1.8. In order to guarantee the objectives of continuity, reliability, punctuality and security of service, carriers which intend to accept the service obligations must provide ENAC with appropriate supporting documents (in Italian or English) to show that they meet the abovementioned minimum requirements and have the organisational, technical, and financial resources needed for the service.

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

2. ORGANISATION OF THE PUBLIC SERVICE OBLIGATIONS

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

2.1.1. On the Alghero — Bologna route

a) *Minimum daily frequency*

On the Alghero — Bologna route at least 1 outward flight and 1 return flight are to be guaranteed throughout the year. The service must be direct without any intermediate stopover.

b) *Timetables*

The flight schedule must take into consideration the need to guarantee the outward flight from and the return flight to Sardinia within the day and a significant length of stay at the destination. To this end, the outward flight from Sardinia must leave no later than 9.30 and the return flight to Sardinia must leave no earlier than 19.00.

c) *Capacity*

The minimum daily capacity offered throughout the year must be 40 seats on the Alghero — Bologna route and 40 seats on the Bologna — Alghero route.

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

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

2.1.2. On the Alghero — Turin route

a) *Minimum daily frequency*

On the Alghero — Turin route at least 1 outward flight and 1 return flight are to be guaranteed throughout the year. The service must be direct without any intermediate stopover.

b) *Timetables*

The flight schedule must take into consideration the need to guarantee the outward flight from and the return flight to Sardinia within the day and a significant length of stay at the destination. To this end, the outward flight from Sardinia must leave no later than 9.30 and the return flight to Sardinia must leave no earlier than 19.00.

c) *Capacity*

The minimum daily capacity offered throughout the year must be 40 seats on the Alghero — Turin route and 40 seats on the Turin — Alghero route.

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

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

2.1.3. On the Cagliari — Bologna route

a) *Minimum daily frequency*

On the Cagliari — Bologna route, at least 1/2 (*) outward flights and 1/2 (*) return flights are to be guaranteed from 1 October to 31 May, and at least 2 outward flights and 2 return flights are to be guaranteed from 1 June to 30 September (plus the Christmas and Easter periods).

(*) The number of scheduled flights marked with an asterisk may vary within the season according to the period and day of the week. The final schedule, organised by periods and days of the week, is to be drawn up by the companies which have accepted the obligations. The schedule must aim to satisfy demand fully and must be lodged with ENAC by the carriers which have accepted the service obligations at least 15 days prior to the beginning of each scheduling season; it must also be communicated to the Autonomous Region of Sardinia, which reserves the right to call for adjustments if it discovers shortcomings. The service must be direct without any intermediate stopover.

b) *Timetables*

The flight schedule must take into consideration the need to guarantee the outward flight from and the return flight to Sardinia within the day and a significant length of stay at the destination. To this end, the outward flight from Sardinia must leave no later than 9.30 and the return flight to Sardinia must leave no earlier than 19.00.

c) *Capacity*

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

The minimum daily capacity offered during the period from 1 October to 31 May must be 150 seats on the Cagliari — Bologna route and 150 seats on the Bologna — Cagliari route.

The minimum daily capacity offered during the period from 1 June to 30 September (including the Christmas and Easter periods) must be 300 seats on the Cagliari — Bologna route and 300 seats on the Bologna — Cagliari route.

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

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

2.1.4. On the Cagliari — Turin route

a) *Minimum daily frequency*

On the Cagliari — Turin route, at least 1/2 (*) outward flights and 1/2 (*) return flights are to be guaranteed from 1 October to 31 May, and at least 2 outward flights and 2 return flights are to be guaranteed from 1 June to 30 September (plus the Christmas and Easter periods).

(*) The number of scheduled flights marked with an asterisk may vary within the season according to the period and day of the week. The final schedule, organised by periods and days of the week, is to be drawn up by the companies which have accepted the obligations. The schedule must aim to satisfy demand fully and must be lodged with ENAC by the carriers which have accepted the service obligations at least 15 days prior to the beginning of each scheduling season; it must also be communicated to the Autonomous Region of Sardinia, which reserves the right to call for adjustments if it discovers shortcomings. The service must be direct without any intermediate stopover.

b) *Timetables*

The flight schedule must take into consideration the need to guarantee the outward flight from and the return flight to Sardinia within the day and a significant length of stay at the destination. To this end, the outward flight from Sardinia must leave no later than 9.30 and the return flight to Sardinia must leave no earlier than 19.00.

c) *Capacity*

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

The minimum daily capacity offered during the period from 1 October to 31 May must be 150 seats on the Cagliari — Turin route and 150 seats on the Turin — Cagliari route.

The minimum daily capacity offered during the period from 1 June to 30 September (including the Christmas and Easter periods) must be 300 seats on the Cagliari — Turin route and 300 seats on the Turin — Cagliari route.

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

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

2.1.5. On the Cagliari — Florence route

a) *Minimum daily frequency*

On the Cagliari — Florence route at least 1 outward flight and 1 return flight are to be guaranteed throughout the year. The service must be direct without any intermediate stopover.

b) *Timetables*

The flight schedule must take into consideration the need to guarantee the outward flight from and the return flight to Sardinia within the day and a significant length of stay at the destination. To this end, the outward flight from Sardinia must leave no later than 9.30 and the return flight to Sardinia must leave no earlier than 19.00.

c) *Capacity*

The minimum daily capacity offered throughout the year must be 130 seats on the Cagliari — Florence route and 130 seats on the Florence — Cagliari route.

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

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

2.1.6. On the Cagliari — Verona route

a) *Minimum daily frequency*

On the Cagliari — Verona route at least 1 outward flight and 1 return flight are to be guaranteed throughout the year. The service must be direct without any intermediate stopover.

b) *Timetables*

The flight schedule must take into consideration the need to guarantee the outward flight from and the return flight to Sardinia within the day and a significant length of stay at the destination. To this end, the outward flight from Sardinia must leave no later than 9.30 and the return flight to Sardinia must leave no earlier than 19.00.

c) *Capacity*

The minimum daily capacity offered throughout the year must be 150 seats on the Cagliari — Verona route and 150 seats on the Verona — Cagliari route.

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

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

2.1.7. On the Cagliari — Naples route

a) *Minimum daily frequency*

On the Cagliari — Naples route at least 1 outward flight and 1 return flight are to be guaranteed throughout the year. The service must be direct without any intermediate stopover.

b) *Timetables*

The flight schedule must take into consideration the need to guarantee the outward flight from and the return flight to Sardinia within the day and a significant length of stay at the destination. To this end, the outward flight from Sardinia must leave no later than 9.30 and the return flight to Sardinia must leave no earlier than 19.00.

c) *Capacity*

The minimum daily capacity offered throughout the year must be 130 seats on the Cagliari — Naples route and 130 seats on the Naples — Cagliari route.

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

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

2.1.8. On the Cagliari — Palermo route

a) *Minimum daily frequency*

On the Cagliari — Palermo route at least 1 outward flight and 1 return flight are to be guaranteed throughout the year. The service must be direct without any intermediate stopover.

b) *Timetables*

The flight schedule must take into consideration the need to guarantee the outward flight from and the return flight to Sardinia within the day and a significant length of stay at the destination. To this end, the outward flight from Sardinia must leave no later than 9.30 and the return flight to Sardinia must leave no earlier than 19.00.

c) *Capacity*

The minimum daily capacity offered throughout the year must be 40 seats on the Cagliari — Palermo route and 40 seats on the Palermo — Cagliari route.

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

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

2.1.9. On the Olbia — Bologna route

a) *Minimum daily frequency*

On the Olbia — Bologna route, at least 1 outward flight and 1 return flight are to be guaranteed from 1 October to 31 May, and at least 2 outward flights and 2 return flights are to be guaranteed from 1 June to 30 September (plus the Christmas and Easter periods). The service must be direct without any intermediate stopover.

b) *Timetables*

The flight schedule must take into consideration the need to guarantee the outward flight from and the return flight to Sardinia within the day and a significant length of stay at the destination. To this end, the outward flight from Sardinia must leave no later than 9.30 and the return flight to Sardinia must leave no earlier than 19.00.

c) *Capacity*

The minimum daily capacity offered throughout the year must be 150 seats on the Olbia — Bologna route and 150 seats on the Bologna — Olbia route.

The minimum daily capacity offered during the period from 1 June to 30 September (including the Christmas and Easter periods) shall be 300 seats on the Olbia — Bologna route and 300 seats on the Bologna — Olbia route.

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

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

2.1.10. On the Olbia — Verona routea) *Minimum daily frequency*

On the Olbia — Verona route, at least 1 outward flight and 1 return flight are to be guaranteed from 1 October to 31 May, and at least 2 outward flights and 2 return flights are to be guaranteed from 1 June to 30 September (plus the Christmas and Easter periods). The service must be direct without any intermediate stopover.

b) *Timetables*

The flight schedule must take into consideration the need to guarantee the outward flight from and the return flight to Sardinia within the day and a significant length of stay at the destination. To this end, the outward flight from Sardinia must leave no later than 9.30 and the return flight to Sardinia must leave no earlier than 19.00.

c) *Capacity*

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

The minimum daily capacity offered during the period from 1 October to 31 May must be 150 seats on the Olbia — Verona route and 150 seats on the Verona — Olbia route.

The minimum daily capacity offered during the period from 1 June to 30 September (including the Christmas and Easter periods) must be 300 seats on the Olbia — Verona route and 300 seats on the Verona — Olbia route.

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

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

3. Type of aircraft to be used on each route

The aircraft to be used on the routes

Cagliari — Bologna — Cagliari

Cagliari — Turin — Cagliari

Cagliari — Verona — Cagliari

Olbia — Verona — Olbia

Olbia — Bologna — Olbia

must each have a minimum capacity of **150 seats**.

The aircraft to be used on the routes

Cagliari — Naples — Cagliari

Cagliari — Florence — Cagliari

must each have a minimum capacity of **130 seats**.

The aircraft to be used on the routes

Alghero — Bologna — Alghero

Alghero — Turin — Alghero

Cagliari — Palermo — Cagliari

must each have a minimum capacity of **40 seats**.

3.1. The entire capacity of each aircraft used, even if it exceeds the minimum capacities provided for above, for each flight, must be offered for sale in accordance with the obligations imposed, without any seating quota system for residents and/or non-residents. Similarly, bookings and additions to waiting lists must be accepted without discrimination against the categories of passengers envisaged by the service obligations.

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

4. FARES

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

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

Fares are to be structured as follows:

Route concerned	Maximum concessionary fare (EUR)	Maximum non-concessionary fare (EUR)
Alghero — Bologna	55,00	97,00
Alghero — Turin	55,00	97,00
Cagliari — Bologna	55,00	97,00
Cagliari — Turin	55,00	97,00
Cagliari — Florence	55,00	97,00
Cagliari — Verona	55,00	97,00
Cagliari — Naples	55,00	97,00
Cagliari — Palermo	55,00	97,00
Olbia — Bologna	55,00	97,00
Olbia — Verona	55,00	97,00

4.2. All the fares indicated are inclusive of VAT and net of airport taxes and charges and of a crisis surcharge which shall not exceed EUR 6,00. Should the conditions which brought about the levying of the crisis surcharge no longer apply or become less significant, the crisis surcharge will have to be removed or proportionately reduced. No other charges of any kind, whatever their designation, may be applied to the fares indicated.

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

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

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

4.6. As from the second half of 2006, if the average cost of fuel and/or the average EUR/US dollar exchange rate varies by more than 5 %, the fares must be revised in proportion to such variation and to the effect of the cost of fuel on the carrier's operating costs. The Minister for Infrastructure and Transport, after consultation with the Autonomous Region of Sardinia and on the basis of an inquiry carried out by a Joint Technical Committee consisting of a representative appointed by the Ministry of Infrastructure and Transport, ENAC and the Autonomous Region of Sardinia respectively, will adjust the fares. In the event of an increase in excess of the indicated percentage, the said Joint Technical Committee will initiate the procedure for deciding on an adjustment upon receiving notice from the carriers operating on the routes concerned. In the event of a decrease, the procedure will be initiated automatically. During the abovementioned inquiry, the carriers operating the routes concerned must be given an opportunity to comment. Any adjustment to fares will take effect as from the six-month period following that in which it is decided.

4.7. Increases in fares by any amount and on whatever grounds decided outside the abovementioned procedure will be considered unlawful.

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

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

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

5. CONTINUITY OF SERVICES

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

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

- to operate 98 % of the flights provided for in the flight schedules each year, with a maximum cancellation margin of 2 %;
- to pay the regulatory body EUR 2 500 in respect of each flight cancelled in excess of the 2 % annual cancellation limit. The sums received in this connection will be allocated to the territorial continuity heading of the budget of Sardinia .
- to operate 85 % of the flights each year to within 20 minutes of the established timetable;
- to compensate each passenger for any delay of more than 20 minutes by giving a credit of EUR 15,00 to be used in the purchase of a subsequent ticket.

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

6. PENALTIES

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

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

6.2. The Joint Monitoring Committee will:

- be chaired by the Regional Transport Minister and will as a rule meet once every three months, except in cases of emergency as determined by its Chairman,

- make use of the information collected by the District Airport Management Officer of Sardinia, by the airport management companies, by individual citizens or by consumer groups with respect to compliance with these obligations,
- determine possible breaches of these service obligations, document such breaches, and propose to ENAC the measures to be adopted to restore the service and, where appropriate, impose penalties, suggesting the type and the amount thereof.

7. VALIDITY

The date on which the above obligations become mandatory will be laid down by a subsequent decree.

8. ACCEPTANCE

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