



**EUROPEAN COMMISSION**

DIRECTORATE-GENERAL FOR ENERGY AND TRANSPORT

DIRECTORATE G – Maritime and inland waterway transport; Intermodal  
The Director

FÆLLESREPRÆSENTATIONEN BRYSSEL	
BILAG	
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Brussels, 29 MARS 2006  
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Transport. 1.

Permanent Representation of  
Denmark to the European Union  
Mr Henrik Lindegaard Christensen  
Counsellor  
Rue d'Arlon, 73  
B-1040 Bruxelles

Dear Sir,

During our meeting on the 10/11/05 between the Danish authorities and DG TREN concerning different issues related to maritime cabotage, it was agreed that answers would be given by the Commission for the specific questions raised on this occasion.

As you already know, following the Commission Decision 2005/842/EC of 28 November 2005 on the application of article 86(2) of the Treaty to State aid in the form of public service compensation, the question of the small islands is about to be clarified by a modification of the Communication on the interpretation of the Regulation n° 3577/92 of 22/12/2003 in order to bring it in line with the new threshold of 300,000 passengers per year as set out in the mentioned decision. This modification should be adopted within the next few months.

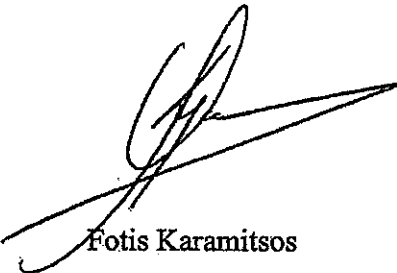
In principle it must be taken into consideration for the calculation of this threshold, the number of passengers for the island or the islands for which the maritime service is subject to the public tender procedure, and not the total number of passengers carried by the operators likely to make a bid during this procedure. However, in the case where an operator already would offer a service for a group of islands allowing an economically coherent single service, the total number of passengers carried by this operator should be taken into account in order to determine if a public tender procedure is required to award such a service.

Regarding the question of taking over the vessels and the crews, after internal discussions the conclusion is that there is no reason to change the position adopted in the Communication. The Commission is of the view that an obligation to take over the vessels is, in most cases, discriminatory. If such an obligation is conceivable in some particular cases, as recalled in the Communication ( point 5.3.2.1) its extension to the crew is in any case too favorable to the current operator and will penalise the operators willing to enter the market.

The Commission is also in principle in favour of a not too long period of public service contracts in order to allow regular prospecting of the market. A period of 6 years has been indicated as appropriate; however it is not impossible to allow, if justified by the circumstances, a slightly longer period.

Finally, due to the particular circumstances of the restructuration of local authorities in 2006/2007, it could be admissible to prolong the existing contract of maritime service to Bornholm by up to 2 years.

Yours faithfully,



Fotis Karamitsos