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**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

**DEPARTMENT ACTION ON AMENDMENT APPLICATION IN DOCKET
OST 2002-13185 - 2**

Approved under assigned authority (14 CFR §385.13).

Date of Action: August 29, 2002

Date Filed: August 19, 2002

Allen F. Brown

Director, Office of International Aviation

for

This action is subject to the conditions attached. Persons entitled to petition the Department for review of this action under the Department's regulations, 14 CFR §385.30, should file their petitions within ten days of the date of this action. This action is effective immediately, and the filing of a petition for review will not alter its effectiveness.

ATTACHMENT

Conditions:

- (a) This Statement of Authorization will remain in effect only as long as (i) Air Canada and Austrian Airlines continue to hold the necessary authority to operate the code-share services at issue, and (ii) the code-share agreement providing for the code-share operations remains in effect.
- (b) Air Canada and Austrian Airlines must notify the Department no later than 30 days before they begin any new code-share service under the code-share services authorized here. Such notice shall identify the market(s) to be served, which carrier will be operating the aircraft in the code-share market added, and the date on which the service will begin. Such notices should be filed in Docket OST-2002-13185.
- (c) Air Canada and Austrian Airlines must promptly notify the Department (Office of International Aviation) if the subject agreement providing for these operations is no longer effective or the carriers decide to cease operating any or all of the approved services. We expect this notice to be received within ten days of such non-effectiveness or of such decision. Such notices should be filed in Docket OST-2002-13185.
- (d) The code-sharing operations conducted under this authority must comply with 14 CFR Part 257 and with any amendments to the Department's regulations concerning code-share arrangements that may be adopted. Notwithstanding any provisions in the contract between the subject foreign air carriers, our approval here is expressly conditioned upon the requirements that the subject foreign air transportation be sold in the name of the carrier holding out the service in computer reservation systems and elsewhere; that the carrier selling such transportation (that is, the carrier shown on the ticket) accept responsibility for the entirety of the code-share journey for all obligations established in its contract of carriage with the passenger; and that the passenger liability of the operating carrier be unaffected.
- (e) The authority granted here is specifically conditioned so that neither carrier shall give any force or effect to any contractual provisions between themselves that are contrary to these conditions.
- (f) We may amend, modify, or revoke the authority granted here at any time without hearing at our discretion.