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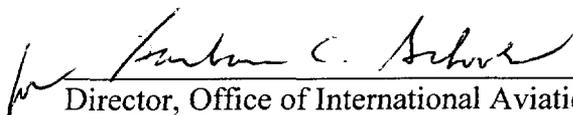
**U.S. Department of
Transportation**
Office of the Secretary
of Transportation

DEPARTMENT ACTION ON APPLICATION IN DOCKET OST-2003-14629-4

(Joint Application of American Airlines, Inc. & Delta Air Transport N.V.
d/b/a SN Brussels Airlines¹ for blanket reciprocal code-share authority)

Approved under assigned authority (14 CFR §385.13).

Date of Action: APRIL 11, 2003



Director, Office of International Aviation

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 §385.31, should file their petitions within seven 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.

¹ We anticipate for code-share notification purposes that the Delta Air Transport will be identified as SN Brussels rather than Delta Air Transport to avoid confusion with Delta Air Lines, Inc., the U.S. carrier.

American Airlines, Inc. & Delta Air Transport N.V. d/b/a SN Brussels Airlines Code Share ¹
Docket OST-2003-14629

The code-share operations authorized here are subject to the following conditions:

- (a) American Airlines and/or SN Brussels 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-2003-14629;
- (b) American Airlines and SN Brussels must promptly notify the Department if the code-share agreement providing for the code-share operations is no longer effective or the carriers decide to cease operating any or all of the approved code-share services. We expect this notification to be received within 10 days of such non-effectiveness or of such decision. Such notices should be filed in Docket OST-2003-14629;
- (c) The code-sharing operations conducted under this authority must comply with 14 CFR 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 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 such service in computer reservation systems and elsewhere; that the carrier selling such transportation (*i.e.*, 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. Further, the operating carrier shall not permit the code of its U.S. air carrier code-sharing partner to be carried on any flight that enters, departs, or transits the airspace of any area for whose airspace the Federal Aviation Administration has issued a flight prohibition;
- (d) The authority to operate to third countries is subject to the condition that any service provided under the statement of authorization shall be consistent with all applicable agreements between the United States and the foreign countries involved. Furthermore, (i) nothing in the award of this blanket statement of authorization should be construed as conferring upon American Airlines and SN Brussels rights (including code-share, fifth freedom intermediate and/or beyond rights) to serve markets where U.S. carrier rights are limited unless American and SN Brussels notify us of their intent to serve such a market and unless and until the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights;² and (ii) should there be a request by any carrier to use the limited-entry route rights that are included in American's and SN Brussels' authority by virtue of the blanket statements of authorization granted here, but that are not being used by American and SN Brussels, the holding of such authority will not be considered as providing any preference for American and SN Brussels in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue; and
- (e) The authority granted here is specifically conditioned so that neither American Airlines nor SN Brussels shall give any force or effect to any contractual provisions between themselves that are contrary to these conditions.

We may amend, modify, or revoke this authority at any time without hearing.

¹ We anticipate for code-share notification purposes that the foreign air carrier operator will be identified as SN Brussels rather than Delta Air Transport to avoid confusion with Delta Air Lines, Inc., the U.S. certificated carrier.

² The notice in paragraph (a) above can be used for this notification.