



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC

Issued by the Department of Transportation on June 6, 2003

NOTICE OF ACTION TAKEN -- DOCKET OST-2003-14629

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of: **American Airlines, Inc.**

Date filed: March 3, 2003

X Exemption under 49 U.S.C. 40109 for American to provide:

Scheduled foreign air transportation of persons, property, and mail (1) between any point or points in the United States and any point or points in third countries; and between any point or points in Belgium and any point or points in third countries; and (2) between any point or points in the United States and Luanda, Angola; Doula and Yaounde, Cameroon; Kinshasha, Democratic Republic of the Congo; Banjul, Gambia; Conakry, Guinea; Abidjan, Ivory Coast; Nairobi, Kenya; Monrovia, Liberia; Kigali, Rwanda; Dakar, Senegal; Freetown, Sierra Leone; and Entebbe, Uganda, and authority to integrate these services with American's other certificate and exemption authority.

American intends to operate these services under a code-share arrangement with Delta Air Transport, NV d/b/a SN Brussels Airlines.

Applicant representative: Carl B. Nelson, Jr. (202) 496-5647

DOT Analyst: Gordon H. Bingham (202) 366-2404

DISPOSITION

X Granted, subject to conditions (below)

The above action was effective when taken: June 6, 2003, through April 11, 2005¹

X The exemption authority granted is consistent with the aviation agreement between the United States and Belgium. With respect to the Africa points named above, the authority granted is consistent with the state of overall aviation relations between the United States and the foreign countries involved. Specifically, reciprocity with Angola, Cameroon, Democratic Republic of the Congo, Guinea, Ivory Coast, Kenya and Sierra Leone; bilateral aviation agreements with Gambia, Liberia, Rwanda, Senegal and Uganda.

¹ We are granting this authority coextensive with the underlying exemption authority granted Delta Air Transport d/b/a SN Brussels on April 11, 2003, in Docket OST-2003-14336.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

Standard Exemption Conditions (attached)

Statement of Authorization for Delta Air Transport d/b/a SN Brussels and American Airlines code-share operations dated April 11, 2003, and conditions therein, in this docket.

The exemption authority granted American is subject to the following conditions:

- (1) Any service provided under the route integration authority granted shall be consistent with all applicable agreements between the United States and the foreign countries involved, and further (a) nothing in our award of the route integration authority granted should be construed as conferring upon American rights (including fifth-freedom, intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless American notifies us of its 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, and (b) should there be a request by any carrier to use the limited-entry route rights that are included in American's authority by virtue of the route integration exemption granted here, but that are not then being used by American, the holding of such authority by route integration will not be considered as providing American a preference in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.
- (2) The authority granted to operate to third countries is limited to countries with which the United States has signed open-skies agreements and/or countries for which the carrier holds authority to serve under certificates or exemptions issued by the Department, and for which it holds route integration authority by virtue of either the present action or other action of the Department.

Comments: In this docket, American seeks all necessary regulatory authority to operate blanket reciprocal code-share services with Delta Air Transport, NV d/b/a SN Brussels. The carriers provided a list of initial points that would be included in their code-share services, including a number of points in Africa. American already holds underlying exemption authority to serve between the U.S. and Belgium (Route 137, Order 96-5-9) and broad route integration authority to integrate its then-existing certificate and exemption authorities (NOAT) dated June 8, 2001, Docket OST-97-2336). The broad grant of exemption authority to serve third-country points awarded here is limited to countries with which the United States has signed open-skies agreements and countries for which American already holds authority to serve under its certificates and exemptions. As American does not now hold underlying authority to serve the initial code-share points in Africa included in the application, it requires an additional award of underlying economic authority in order to engage in the proposed code-share operations. American and SN Brussels were awarded a blanket Statement of Authorization to engage in the reciprocal code-share service, subject to our standard conditions, on April 11, 2003, in this docket. (See NOAT dated April 11, 2003). The additional authority awarded here is subject to the conditions of that authorization.

**Action taken by: Paul L. Gretch, Director
Office of International Aviation**

On the basis of data officially noticeable under Rule 24(g) of the Department's regulations, we found the applicant qualified to provide the services authorized.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) grant of the authority was consistent with the public interest; and (3) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

*An electronic version of this document is available on the World Wide Web at:
http://dms.dot.gov/reports/reports_aviation.asp.*