



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

Issued by the Department of Transportation on October 29, 2003

**NOTICE OF ACTION TAKEN -- DOCKET OST-2003-16287**

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).

Joint Application of Delta Air Lines, Inc. and Alia – The Royal Jordanian Airline (Royal Jordanian) filed 10/6/03 and 10/9/03 for:

**XX** Statement of authorization for Royal Jordanian under 14 CFR Part 212 to:

**Permit Royal Jordanian to carry mail under the “DL” code of Delta on flights operated by Royal Jordanian for the carriage of mail between (1) any point or points in the United States and points in Jordan, directly and via intermediate points; (2) within Jordan; and (3) between points in the United States or Jordan and points in third countries.<sup>1</sup>**

**XX Exemption from the provisions of Order 95-2-34** (which limits the ability of U.S. carriers to code share in areas where the FAA has issued a flight prohibition) to the extent necessary to enable Delta to code share on flights operated by Royal Jordanian between Amman and Baghdad, for the limited purpose of transporting U.S. mail.

Applicant reps: Robert E. Cohn (202) 663-8060 (DL) DOT Analyst: Sylvia Moore (202) 366-6519  
Evelyn D. Sahr (202) 289-0500 (Royal Jordanian)

**DISPOSITION**

**XX Granted - Exemption to both Delta and Royal Jordanian, to the extent necessary, from Order 95-2-34** (see Remarks below)

**XX Granted – Statement of Authorization** (subject to conditions, see below)

The above action with respect to the exemption authority for Delta and Royal Jordanian was effective when taken: October 29, 2003, through October 29, 2005.

The statement of authorization granted was effective when taken: October 29, 2003, and will remain in effect indefinitely, subject to the conditions listed below.

**Action taken by: Michael W. Reynolds**  
**Acting Assistant Secretary for**  
**Policy and International Affairs**

(See Reverse Side)

<sup>1</sup> Royal Jordanian will display Delta’s “DL” code on flights operated by Royal Jordanian. The carriers initially propose to serve the New York-Amman-Baghdad market.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated: **XX Royal Jordanian's foreign air carrier permit**

**Remarks:** In light of the fact that the Delta and Royal Jordanian request involves only the carriage of mail, we have determined that the limited exemption relief requested by the applicants from the provisions of Order 95-2-34 is warranted.

**The statement of authorization granted is subject to the following conditions:**

(a) The statement of authorization will remain in effect only as long as (i) Delta Air Lines, Inc. and Alia – The Royal Jordanian Airline continue to hold the necessary underlying 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) Delta and/or Royal Jordanian must promptly notify the Department (Office of International Aviation) if the code-share agreement providing for the code-share operations is no longer effective or if the carriers decide to cease operating all or a portion of the approved code-share services. Such notices should be filed in Docket OST-2003-16287.<sup>2</sup>

(c) Delta and/or Royal Jordanian 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-2003-16287.)

(d) Notwithstanding any provision 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 the computer reservation systems and elsewhere and that the carrier selling such transportation (i.e., the carrier shown on the waybill) accept responsibility for the entirety of the code-share journey for all obligations established in its contract of carriage with the shipper.

(e) The authority granted here is specifically conditioned so that neither Delta nor Royal Jordanian shall give any force or effect to any contractual provision between themselves that is contrary to these conditions.

(f) We remind all carriers seeking to exercise Iraq authority (whether underlying route authority or code-share authority) that the authority granted here cannot alone result in new service to Iraq. (See Order 2003-6-20.) This authority is subject to compliance with all applicable Coalition Provisional Authority, Department of Transportation, Federal Aviation Administration, Transportation Security Administration, Department of Defense, and other U.S. Government requirements. Further, to assure compliance with all applicable U.S. Government requirements concerning security, before commencing any new service (including charter flights) to or from a foreign airport, carriers are reminded to contact their Principal Security Inspector (PSI) to advise the PSI of their plans and to find out whether the Transportation Security Administration has determined that security is adequate to allow such airport(s) to be served.

(g) We may amend, modify, or revoke the authority granted at any time without hearing at our discretion.

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<sup>2</sup> We expect this notification to be received within ten days of such non-effectiveness or of such decision.

On the basis of data officially noticeable under Rule 24(g) of the Department's regulations, we found that (1) Delta and Royal Jordanian were qualified to provide the exemption services authorized; (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.

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