



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

DEPT. OF TRANSPORTATION
DOCKETS

2004 APR 30 A 10:38

DEPARTMENT ACTION ON APPLICATION IN DOCKET OST-2004-17601
filed April 20, 2004

**Application of Lan Peru, S.A. (Lan Peru) for a statement of authorization permitting
Lan Peru to display the designator code of Lan Chile Cargo S.A. on Lan Peru
flights between Lima, Peru on the one hand, and Miami, Florida, and Los Angeles,
California, on the other hand**

Approved under assigned authority (14 CFR § 385.13).

Date of Action: April 30, 2004



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 § 385.30, 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.

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

Docket OST-2004-17601

filed April 20, 2004

Application of Lan Peru, S.A. (Lan Peru) for a statement of authorization permitting Lan Peru to display the designator code of Lan Chile Cargo S.A. on Lan Peru flights between Lima, Peru on the one hand, and Miami, Florida, and Los Angeles, California, on the other hand

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

(a) The statement of authorization will remain in effect only as long as (i) Lan Peru and Lan Chile 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) Lan Peru and Lan Chile 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 the approved code-share services. Such notice should be filed in Docket OST-2004-17601.²

(c) 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 the computer reservation systems and elsewhere; 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, and that the cargo liability of the operating carrier be unaffected.

(d) 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.

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

² We expect this notification to be received within 10 days of such non-effectiveness or of such decision.