



**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Issued by the Department of Transportation on March 10, 1999

NOTICE OF ACTION TAKEN -- DOCKET OST-99-5152

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).

Applicant: **Uzbekistan Airways**

Date Filed: February 25, 1999

Relief requested: Statement of authorization under 14 CFR Part 212 to block space and code share with Air Ukraine International, a foreign air carrier of Ukraine, whereby Air Ukraine will place its two letter designator code ("6U") on nonstop flights operated by Uzbekistan Airways between Kiev, Ukraine and New York, New York, for the purpose of transporting persons, property and mail.

If renewal, date and citation of last action: New authority

Applicant representative: Jeffrey A. Manley (202) 879-5161

Responsive pleadings: None filed

DISPOSITION

Action: Approved

Action date: March 10, 1999

Basis for approval (bilateral agreement/reciprocity): Air Transport Agreement between the United States and Uzbekistan, entered into force on February 27, 1998.

(a) The statement of authorization will remain in effect only as long as (i) Uzbekistan Airways and Air Ukraine International 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) Uzbekistan Airways and/or Air Ukraine International 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 noneffectiveness or of such decision. Such notices should be filed in Docket OST-99-5152.

(c) The code-sharing operations conducted under this authority must comply with 14 CFR 399.88 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.

(d) The authority granted here is specifically conditioned so that neither Uzbekistan Airways nor Air Ukraine International shall give any force or effect to any contractual provisions between themselves that are contrary to these conditions.

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

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that grant of the authority was in the public interest. 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 ten (10) 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