



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

Issued by the Department of Transportation on March 16, 1999

NOTICE OF ACTION TAKEN -- DOCKET OST-99-5193

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: **ALM 1997 Airline N.V. d/b/a Air ALM**

Date Filed: March 3, 1999

Relief requested: Statement of Authorization under 14 CFR 212 of the Department's regulations to display Air Aruba's designator code on Air ALM's flights between Aruba-Curacao-Atlanta-Aruba-Curacao, effective through October 23, 1999.

Applicant representative: Bruce Rabinovitz 202-879-5116

Responsive pleadings: None

DISPOSITION

Action: Approved, subject to the conditions, below

Action date: March 16, 1999

Effective dates of authority granted: March 16 - October 23, 1999

Basis for approval (bilateral agreement/reciprocity): U.S.-Netherlands Antilles Air Transport Agreement

Conditions:

(a) 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.

(b) The authority granted here is specifically conditioned so that neither Air ALM nor Air Aruba 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:
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