



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

Issued by the Department of Transportation
on the 31st day of March, 1999

Served: May 28, 1999

**U.S.-ROMANIA THIRD-COUNTRY
CODE-SHARE OPPORTUNITIES**

Docket OST-99-5096

FINAL ORDER

By this order, we grant Continental Airlines, Inc., a new certificate of public convenience and necessity to serve the U.S.-Romania market under code-share arrangements with third-country carriers beginning November 1, 1999.

By Order 99-3-29, March 31, 1999, we made final the selection of Delta Air Lines, Inc., Northwest Airlines, Inc., United Air Lines, Inc., and Continental Airlines, Inc., to provide code-shares services in the U.S.-Romania market with third-country carriers.¹ In that order we stated that we would issue Continental's certificate authority for this service by separate order.²

This instant order issues that certificate.

ACCORDINGLY,

1. We grant Continental Airlines, Inc., a certificate of public convenience and necessity, in the form attached, authorizing it to provide scheduled foreign air transportation of persons, property, and mail in the U.S.-Romania market;
2. Unless disapproved by the President of the United States under 49 U.S.C. 41307, this order and the attached certificate shall become effective upon the 61st day after its submission for section 41307 review, or upon the date of receipt of advice from the President or his designee

¹ Delta will code share with Swissair and operate service in the U.S.-Romania market via Zurich. Northwest will code share with KLM Royal Dutch Airlines and operate service via Amsterdam. United will code share with Lufthansa and operate service via Frankfurt and Munich. Continental will code share with Air France and Czech Airlines (CSA) and operate via Paris and Prague, respectively.

² Based on officially noticeable data under Rule 24(n), we find that Continental is fit, willing, and able to provide the authorized service. Continental has previously been found fit to provide scheduled foreign air transportation of persons, property, and mail. See, *e.g.* Order 97-3-8.

under Executive Order 12597 and implementing regulations that he or she does not intend to disapprove the Department's order under that section, whichever occurs earlier;³

3. We may amend, modify, or revoke this authority at any time at our discretion without hearing; and

4. We will serve this order on Continental Airlines, Inc.; Delta Air Lines, Inc.; Northwest Airlines, Inc.; United Air Lines, Inc.; the Ambassador of Romania in Washington, D.C.; the U.S. Department of State (Office of Aviation Negotiations); and the Federal Aviation Administration (AFS-220).

By:

PATRICK V. MURPHY
Deputy Assistant Secretary for Aviation
and International Affairs

(SEAL)

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

³ This order was submitted for section 41307 review on March 31, 1999. On May 25, 1999, we received notification that the President's designee, under Executive Order 12597 and its implementing regulations, did not intend to disapprove the Department's order.



Experimental Certificate of Public Convenience and Necessity

For Route 785

This Certifies That

Continental Airlines, Inc.

is authorized, subject to the provisions of Subtitle VII of Title 49 of the United States Code, the orders, rules, and regulations issued thereunder, and the attached Terms, Conditions, and Limitations, to engage in foreign air transportation of persons, property, and mail.

This Certificate is not transferable without the approval of the Department of Transportation.

By Direction of the Secretary

**Issued by Order 99-5-15
On March 31, 1999
Effective on May 25, 1999**

**Patrick V. Murphy
Deputy Assistant Secretary
for Aviation and International Affairs**



Terms, Conditions, and Limitations
Continental Airlines, Inc., for Route 785

is authorized to engage in foreign air transportation of persons, property, and mail:

Between a point or points in the United States, via the intermediate points Paris, France, and Prague, the Czech Republic, and Bucharest, Romania

This authority is subject to the following provisions:

- (1) The holder shall at all times conduct its operations in accordance with the regulations prescribed by the Department of Transportation for the services authorized by this certificate, and with such other reasonable terms, conditions, and limitations as the Department of Transportation may prescribe in the public interest.
- (2) The holder shall at all times conduct its operations in accordance with all treaties and agreements between the United States and other countries, and the exercise of the privileges granted by this certificate is subject to compliance with such treaties and agreements and with any orders of the Department of Transportation issued under them. To the extent that the holder has authority to serve more than one country or points in more than one country on the same route segment, that authority does not confer upon the holder any additional rights (including fifth-freedom intermediate and/or beyond rights) in limited-entry markets unless the holder has been specifically designated to conduct such services and the Department has completed any necessary carrier selection procedures to determine which carrier(s) should be authorized to exercise such rights. In such cases, the fact that the carrier may hold authority to serve the countries (points) at issue on the same segment will not be considered as providing any preference to the holder in a carrier selection proceeding.
- (3) The exercise of the authority granted here is subject to the holder's first obtaining from the appropriate foreign governments such operating rights as may be necessary.
- (4) The holder's authority under this certificate is effective only to the extent that such operations are also authorized by the Federal Aviation Administration (FAA).
- (5) The holder shall at all times remain a "Citizen of the United States" as required by 49 U.S.C. 40102(a)(15).
- (6) The holder shall maintain in effect liability insurance coverage as required under 14 CFR Part 205. Failure to maintain such insurance coverage will render a certificate ineffective, and this or other failure to comply with the provisions of Subtitle VII of Title 49 of the United

States Code or the Department's regulations shall be sufficient grounds to revoke this certificate.

(7) Should the holder propose any substantial changes in its ownership, management, or operations (as that term is defined in 14 CFR 204.2(n)), it must first comply with the requirements of 14 CFR 204.5.

(8) In the event that the holder commences but subsequently ceases all operations for which it was found "fit, willing, and able," its authority under this certificate shall be suspended under the terms of 14 CFR 204.7 and the holder may neither recommence nor advertise such operations unless its fitness to do so has been redetermined by the Department. Moreover, if the holder does not resume operations within one year of its cessation, its authority shall be revoked for dormancy.

(9) The holder acknowledges that this certificate is granted to determine if the holder's projected services, efficiencies, methods, rates, fares, charges, and other projected results, will, in fact, materialize and remain for a sustained period of time, and to determine whether the holder will provide the innovative or low-priced air transportation it proposed in its application for this authority.

(10) The holder may combine services on this certificate with all services authorized by other Department of Transportation certificates or exemptions, provided, that such operations are consistent with the applicable bilateral aviation agreements; and provided further, that (a) nothing in the award of the route integration authority requested should be construed as conferring upon the holder additional rights (including fifth-freedom intermediate and/or beyond rights) to serve markets where U.S. carrier entry is limited unless the holder first notifies us of its intent to serve such 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 rights that are included in the holder's authority by virtue of the route integration authority granted here, but not being used, the holder of such authority by route integration will not be considered as proving any preference for the holder in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to use the authority at issue.

This certificate shall become effective May 25, 1999. It shall expire five years after its effective date unless the Department earlier suspends, modifies or deletes the authority.