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

DEPARTMENT ACTION ON APPLICATION IN DOCKET OST-2000-7124- 3
(Application of Thai Airways to display United's designator code between Bangkok, Thailand-Vietnam filed March 23, 2000)

Approved.

Action taken under assigned authority (14 CFR §385.13)

Date of Action: August 23, 2001


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 ten 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.

Thai Airways International Public Company Limited/United Air Lines, Inc.
Docket OST-2000-7124
filed March 23, 2000

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) Thai Airways and United Air Lines 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) Thai Airways and United Air Lines 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 non-effectiveness or of such decision. Such notices should be filed in Docket OST-2000-7124;
- (c) We require United and Thai Airways to notify the Department at least 30 days in advance of any change of the points in Vietnam served under their code-share arrangement;¹
- (d) The code-sharing operations conducted under this authority must comply with 14 CFR 257 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; that the passenger liability of the operating carrier be unaffected; and that the operating carrier shall not permit the code of the U.S. code-sharing partner to be carried on any flight that enters, departs, or transits the airspace of any area for whose airspace the Federal Aviation Administration has issued a flight prohibition; and
- (e) The authority granted here is specifically conditioned so that neither Thai Airways nor United Air Lines shall give any force or effect to any contractual provisions between themselves that are contrary to these conditions.

We may amend, modify, or revoke this authority at any time without hearing.

¹ The 2000 U.S.-Vietnam Memorandum of Discussions (MOD) limits to three the Vietnam cities that can be served by U.S. carriers. Any change in the points selected by the U.S. government must be upon 30 days' notification to the appropriate officials. Thai Airways has requested a statement of authorization to place United's designator code between Bangkok, Thailand and points in Vietnam. In the U.S.-Vietnam Third-Country Code-sharing Opportunities Case, Docket OST-2000-7194, United and Thai Airways propose services between Bangkok and Ho Chi Minh City. We will require United/Thai to notify the Department on 30 days' notice of any change or expansion of the Vietnam points served, consistent with the provisions of the 2000 MOD. See Order 2001-8-21.