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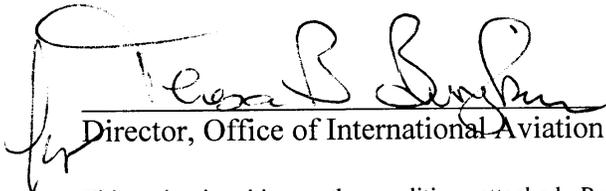
U.S. Department of
Transportation
Office of the Secretary
of Transportation

**DEPARTMENT ACTION ON APPLICATION
IN DOCKET OST-2000-6939-9**

(Joint Application of Atlantic Southeast Airlines, Inc. and Société Air France
for a Blanket Statement of Authorization filed February 8, 2002)

Approved* under assigned authority (14 CFR §385.13).

Date of Action: FEB 26 2002



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.

*The authority granted is subject to the following conditions:

- (a) The statement of authorization will remain in effect only as long as (i) ASA and Air France 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) ASA and/or Air France must promptly notify the Department (Office of International Aviation) 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.¹ (Such notice should be filed in Docket OST-2000-6939.)
- (c) ASA and/or Air France must notify the Department no later than 30 days before they begin any new code-share service under the code-share services authorized here. Such notice shall identify the market(s) to be served and the date on which the service will begin. Such notices should be filed in Docket OST- 2000-6939.

¹We expect this notification to be received within ten (10) days after such non-effectiveness or of such decision.

Joint Application of Atlantic Southeast Airlines, Inc., and Société Air France, for a Blanket Statement of Authorization to Code Share, filed February 8, 2002, Docket OST-2000-6939 (Display Air France's "AF" designator code on Delta connecting services operated by ASA within the U.S. and between the U.S. and third countries, to the extent permitted by bilateral agreements)

(d) The code-sharing operations conducted under this authority must comply with Part 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; and that the passenger liability of the operating carrier be unaffected.

(e) All operations conducted under this authorization must comply with the terms, conditions, and limitations of Order 2002-1-6 (Delta/Air France/Alitalia/Czech Airlines anti-trust immunity) and any subsequent order(s) of the Department regarding the alliance.²

(f) The authority to operate to third countries is subject to the condition that any service provided under the statement of authorization shall be consistent with all applicable agreements between the United States and the foreign countries involved. Furthermore, (i) nothing in the award of this blanket statement of authorization should be construed as conferring upon ASA rights (including code-share, fifth-freedom intermediate and/or beyond rights) to serve markets where U.S. carrier rights are limited unless ASA notify us of their intent to serve such a 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 (ii) should there be a request by any carrier to use the limited-entry route rights that are included in ASA's authority by virtue of the blanket statement of authorization granted here, but that are not being used by ASA, the holding of such authority will not be considered as providing any preference for ASA in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to the authority at issue.³

(g) The authority granted here is specifically conditioned so that neither ASA nor Air France shall give any force or effect to any contractual provisions between themselves that are contrary to these conditions.⁴

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

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

²Order 2002-1-6 includes Delta's wholly-owned subsidiaries, including ASA and Comair.

³The notice in paragraph (c) above can be used for this notification.

⁴We note that the code-share agreement as submitted did not include provisions regarding exclusive dealings between the code-share parties. Should the parties subsequently decide to amend their code-sharing agreement or any other agreement between them to include any provision relating to an exclusive arrangement between the parties regarding their code-share services, that amended language must first be submitted for consideration by the Department.