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

**DEPARTMENT ACTION ON APPLICATION
IN DOCKET OST-2000-8207-13**

(Joint Application of Delta Air Lines, Inc.; Czech Airlines;
Atlantic Southeast Airlines, Inc.; and Comair, Inc. filed March 5, 2001)

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

Date of Action: **March 16, 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.

Joint Application of Delta Air Lines, Inc.; Czech Airlines; Atlantic Southeast Airlines, Inc.; and Comair, Inc. for Statements of Authorization to Display Czech Airlines' Code on Flights Operated by Atlantic Southeast and Comair for the Carriage of Czech Airlines' International Traffic, filed March 5, 2001, Docket OST-2000-8207

*The authority granted is subject to the following conditions:

(a) The statement of authorization will remain in effect only as long as (i) Delta, Czech Airlines (CSA), Atlantic Southeast, and Comair 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) Delta, CSA, Atlantic Southeast and/or Comair 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-2000-8207.)

(c) Delta, CSA, Atlantic Southeast and/or Comair 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, which carrier will be operating the aircraft in the code-share market added, and the date on which the service will begin. Such notices should be filed in Docket OST-2000-8207.

(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) 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 Delta/Atlantic Southeast/Comair rights (including code-share, fifth-freedom intermediate and/or beyond rights) to serve markets where U.S. carrier rights are limited unless Delta/Atlantic Southeast/Comair 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 Delta/Atlantic Southeast/Comair's authority by virtue of the blanket statement of authorization granted here, but that are not being used by Delta/Atlantic Southeast/Comair, the holding of such authority will not be considered as providing any preference for Delta/Atlantic Southeast/Comair in a competitive carrier selection proceeding to determine which carrier(s) should be entitled to the authority at issue.²

(f) The authority granted here is specifically conditioned so that neither Delta/Atlantic Southeast/Comair nor CSA shall give any force or effect to any contractual provisions between themselves that are contrary to these conditions.

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*

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

²The notice in paragraph (c) above can be used for this notification.