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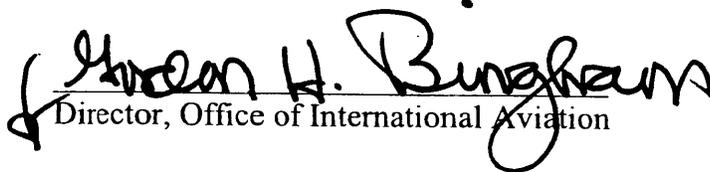
U.S. Department of
Transportation
Office of the Secretary
of Transportation

DEPARTMENT ACTION ON APPLICATION IN DOCKET OST-2000-8347-2
(Joint application of China Airlines, Ltd. and Vietnam Airlines Corporation)

filed November 16, 2000

Approved under assigned authority (14 CFR §385.13).

Date of Action: March 2, 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.

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

(Docket OST-2000-8347)

Joint application of China Airlines, Ltd. and Vietnam Airlines Corporation for statements of authorization in which China Airlines will carry Vietnam Airlines' code on China Airlines flights between Taipei and San Francisco and Los Angeles, and Vietnam Airlines will carry China Airlines' code on Vietnam Airlines' flights between Taipei and Ho Chi Minh City and Hanoi.

(filed November 16, 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) China Airlines, Ltd. and Vietnam Airlines Corporation 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) China Airlines, Ltd. and/or Vietnam Airlines Corporation 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
- (c) The code-sharing operations conducted under this authority must comply with 14 CFR 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.
- (d) The authority granted here is specifically conditioned so that neither carrier shall give any force or effect to any contractual provisions between themselves that are contrary to these conditions.

¹ We expect this notification to be received within 10 days of such non-effectiveness or of such decision and to be filed in Dockets OST-2000-8347 and 8562.