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

Issued by the Department of Transportation on September 5, 2001

**NOTICE OF ACTION TAKEN -- DOCKETS OST-2000-6726<sup>30</sup> & OST-2000-6728 - 24**

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Applicant: **Aer Lingus Limited**

Date Filed: May 15, 2001

Relief requested: (1) Renew statement of authorization under 14 CFR 212 of the Department's regulations to place the designator code of American Airlines, Inc., on Aer Lingus flights in the following markets: New York-Shannon/Dublin, Boston-Shannon/Dublin, Chicago-Shannon/Dublin, and Los Angeles-Shannon/Dublin, for an indefinite period.

(2) Renew exemption from 49 U.S.C. 41301 to conduct scheduled foreign air transportation of persons, property and mail between Baltimore, MD, and Shannon/Dublin, for an indefinite period.

If renewal, date and citation of last action: Order 2000-6-12, dated June 15, 2000

Applicant representative: Charles A. Hunnicutt 202-775-0725

Responsive pleadings: The State of Maryland filed an answer in support of Aer Lingus' application. United Air Lines, Inc., filed a reply stating that it did not oppose Aer Lingus' application as long as the Department renewed United's authority in Docket OST-2001-9830 to code share with British Midland between London and Dublin.<sup>1</sup>

**DISPOSITION**

Action: Approved in part, Remainder dismissed<sup>2</sup>

Action date: September 5, 2001

Effective dates of exemption authority and statement of authorization granted: September 5, 2001 - September 5, 2002

Basis for approval (bilateral agreement/reciprocity): We find that the public interest bases upon which we relied in Order 2000-6-12 remain valid and support our action here.

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated:

Foreign air carrier permit conditions (Order 91-5-28)

Codeshare conditions (attached)

**Action taken by: Paul L. Gretch, Director  
Office of International Aviation**

We found that the applicant was qualified to perform its proposed operations.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) grant of the authority was consistent with the public interest; and (3) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted/deferred/dismissed, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

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

<sup>1</sup> By Notice of Action Taken dated July 3, 2001, we renewed United's authority in Docket OST-2001-9830.

<sup>2</sup> We dismissed that portion of Aer Lingus' exemption application to conduct operations beyond September 4, 2002, without prejudice to refile at a later date. The duration of this authority is consistent with our initial action in Order 200-6-12.

**Aer Lingus Limited/American Airlines, Inc. Code Share  
Docket OST-2000-6728**

The code-share operations authorized here are subject to the following conditions:

(a) Aer Lingus and/or American Airlines 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. Such notices should be filed in Docket OST-2000-6728.<sup>1</sup>

(b) 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; and that the passenger liability of the operating carrier be unaffected; and that the operating carrier shall not permit the code of its 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.

(c) 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.

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<sup>1</sup> We expect this notification to be received within 10 days of such non-effectiveness or of such decision.