



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

NOTICE OF ACTION TAKEN

DOCKET OST-97-2167

This serves as interim notice to the public of the action described below, taken orally by the Department official indicated; the confirming order or other decision document will be issued as soon as possible.

Applicant: **Premiair A/S**

Date Filed: February 28, 1997

Relief requested: Exemption from 49 U.S.C. 41301 to conduct charter foreign air transportation of persons, property and mail between Denmark/Norway/Sweden and the United States, and other charters pursuant to 14 CFR 212 of the Department's regulations.

Applicant representative: Joshua Romanow 202-775-9800

Responsive pleadings: None

DISPOSITION

Action: **APPROVED**

Action date: **MAY 14, 1997**

Effective dates of authority granted: **MAY 14, 1997, thru MAY 14, 1998**

Basis for approval: The authority is encompassed in the U.S.-Denmark/Norway/Sweden Air Transport Services Agreements. Premiair, a Danish carrier, has been properly designated by its government under the Agreement. We found, based on the record, that the applicant is operationally and financially qualified to conduct the proposed services, and properly licensed. Further, the FAA has advised us that it knows of no reason to withhold this authority. Premiair requested a waiver of our citizenship requirements.¹ We granted the carrier's request. Despite the presence of non-homeland interests, we found, taking into account all the particular circumstances of this case, that there was nothing in the ownership and control of the carrier that would be inimical to U.S. aviation policy or interests. Therefore, we concluded that waiver of our standard requirement that substantial ownership and effective control of a foreign carrier rest in the hands of citizens of its homeland was warranted. It should not be assumed from this result, however, that in any other case where the record reflects the presence of non-homeland ownership or control, especially where such ownership or control was from a non-open skies bilateral partner, we would necessarily reach the same result on the issue of waiving our ownership and control policy.

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

Standard exemption conditions (attached)

Action taken under assigned authority (14 CFR 385) by:

Paul L. Gretch, Director
Office of International Aviation

(Petitions for review may be filed from now until 10 days after the service date of the confirming order/letter. Filing of a petition shall not stay the effectiveness of this action.)

¹ The record indicates that Premiair is owned, through a series of 100% wholly-owned subsidiaries, by Air Tours, Plc, a publicly-held U.K. corporation with significant U.K. citizen ownership and representation on the board of directors. (Premiair incorporated by reference into this proceeding its contemporaneously filed foreign air carrier permit application, Docket OST-97-2166.)