

**BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.**

Application of	)	
	)	
AIR JAPAN CO., LTD.	)	Docket OST-2001-
	)	
for a statement of authorization pursuant to	)	
14 C.F.R. Part 212 to engage in code-share	)	
services	)	
(U.S.-Japan Same-Country Code-Sharing)	)	

**APPLICATION OF AIR JAPAN CO., LTD.  
FOR A STATEMENT OF AUTHORIZATION**

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February 22, 2001

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**Dated: February 22, 2001**

**APPLICATION OF AIR JAPAN CO., LTD.  
FOR A STATEMENT OF AUTHORIZATION**

Air Japan Co., Ltd. ("AJX") hereby requests that the Department issue a statement of authorization pursuant to Part 212 of the Department's regulations, 14 C.F.R. Part 212, to enable AJX to display the designator code of All Nippon Airways Co., Ltd. ("ANA") on AJX flights specified herein.

In support of this Application, AJX states as follows:

1. AJX and ANA have entered into a code-share arrangement, under which AJX will display ANA's designator code on AJX flights. Specifically, AJX will display ANA's code on AJX daily scheduled combination flights between Osaka, Japan and Guam. AJX and ANA intend to commence these code-share services on March 25, 2001.
  
2. Accordingly, AJX respectfully requests a statement of authorization under 14 C.F.R. Part 212 to display ANA's "NH" designator code on AJX flights between Osaka, Japan and Guam.

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3. AJX holds the necessary economic authority to operate the flights in question and will transport persons, property, and mail on these flights under its own designator code. On February 22, 2001, the Department issued exemption authority to AJX to operate scheduled foreign air transportation of persons, property and mail "between any point or points in Japan, and any point or points in the United States" and to conduct charters in accordance with Part 212. Notice of Action Taken, February 22, 2001, Docket OST-2000-8299. ANA holds a foreign air carrier permit authorizing it to provide scheduled service, *inter alia*, between any points in Japan and any points in the United States. See DOT Order 98-4-17.

4. The code-share services for which AJX seeks authority are in the public interest and fully consistent with the 1998 U.S.-Japan Memorandum of Understanding (the "MOU"), which became effective through an exchange of diplomatic notes dated April 20, 1998. Part IV.A.2. of the MOU generally authorizes same-country code-sharing, and Part IV.E.5. of the MOU specifically addresses and authorizes a code-share arrangement such as planned by AJX and ANA. The MOU also requires that the carriers have the appropriate authority and meet the requirements that apply to code-share arrangements. As mentioned above, AJX and ANA hold the necessary authority.

5. AJX requests that the authorization be of indefinite duration. AJX will accept the notice provisions applicable to indefinite term authority.

6. AJX requests a waiver of Part 212.10(d)(2) that requires that applications for code-share statements of authorization be filed 45 days before the date of the first flight. As noted above, the Department granted underlying exemption authority to AJX on February 22, 2001; thus an earlier filing of this application may have been premature.


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7. AJX and ANA will comply with the applicable disclosure requirements of 14 C.F.R. Part 257.

**WHEREFORE**, Air Japan Co., Ltd. respectfully requests that the Department issue a statement of authorization pursuant to Part 212 of the Department's regulations enabling AJX to display the designator code of All Nippon Airways Co. Ltd. on the AJX flights specified herein. AJX also requests such further, different, and additional relief as the Department may deem appropriate.

Respectfully submitted,

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