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

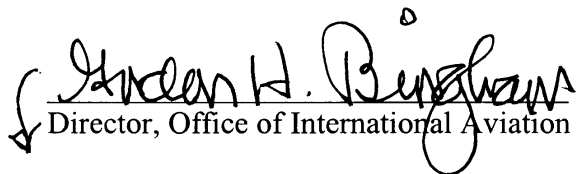
DEPARTMENT ACTION ON APPLICATION IN DOCKET OST-2002-11605- 2

(Application of Air Japan Co., Ltd. for a statement of authorization to display All Nippon Airways Co., Ltd.'s code on Air Japan's Osaka, Japan-Honolulu, Hawaii flights)

filed February 14, 2002

Approved under assigned authority (14 CFR §385.13).

Date of Action: March 6, 2002


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 seven 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.

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Application of Air Japan Co., Ltd. for a statement of authorization to display All Nippon Airways Co., Ltd.'s code on Air Japan's Osaka, Japan-Honolulu, Hawaii flights, filed February 14, 2002

(Docket OST-2002-11605)

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

- (a) The number of weekly round-trip frequencies conducted under the codeshare authority authorized above shall not exceed the limitations on same country airline codeshare frequencies available for such services under Section IV.E of the 1998 Memorandum of Understanding between the United States and Japan.
- (b) The statement of authorization will remain in effect only as long as (i) Air Japan Co., Ltd. and All Nippon Airways Co., Ltd. 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.
- (c) Air Japan Co., Ltd. and/or All Nippon Airways Co., Ltd. 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
- (d) 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.
- (e) 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 Docket OST-2002-11605.