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BEFORE THE
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

DEPT. OF TRANSPORTATION
DOCKETS
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Complaint of

NORTHWEST AIRLINES, INC.

against

THE COUNCIL OF THE EUROPEAN UNION AND THE
GOVERNMENTS OF THE 15 E.U. MEMBER STATES

under 49 U.S.C. § 41310 (formerly § 2(b) of the International
Air Transportation Fair Competitive Practices Act of 1974, as
amended)

Docket OST-99-5011

AGREEMENT OF NORTHWEST AIRLINES, INC.
TO ADDITIONAL WAIVER OF STATUTORY DEADLINE

Communications with respect to this document should be sent to:

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July 26, 2000

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AGREEMENT OF NORTHWEST AIRLINES, INC.
TO ADDITIONAL WAIVER OF STATUTORY DEADLINE

Northwest Airlines Inc. agrees to a further limited waiver of the 180-day statutory deadline set forth in 49 U.S.C. § 41310(d) for the Department to take final action on the complaint it filed in this case. By Order 2000-2-2, the Department extended the deadline through August 1, 2000 pursuant to Northwest's previous waiver agreement. To permit the United States to concentrate on prosecuting the complaint it filed with the ICAO Council against the Council of the European Union and the E.U. member states opposing the discriminatory regulation at issue in this case, Northwest agrees to an additional waiver of the statutory deadline through December 1, 2000.

Northwest filed a complaint with the Department stating, *inter alia*, that the E.U. proposed, and subsequently adopted,¹ a rule banning the use of certain hushkitted and re-engined aircraft, which violates the international obligations of the E.U. member states under both the Chicago Convention² and their bilateral air services agreements with the United States. Unfortunately, negotiations between the United States and the E.U. did not resolve this dispute. Thus, the U.S. Government invoked the dispute resolution procedures provided for under Article 84 of the Chicago Convention and filed a complaint with the ICAO Council.

Because the U.S. Government is involved in proceedings before ICAO, which is an appropriate procedure for resolving these issues, Northwest agrees to this supplemental limited waiver of the 180-day statutory deadline. Moreover, Northwest agrees to this limited waiver, until February 1, 2001, as a show of support for the U.S. Government's decision to file a complaint with ICAO. Accordingly, Northwest respectfully requests that the Department extend the statutory deadline. However, Northwest will continue to monitor the proceedings before ICAO, and it retains the option to withdraw this consent.

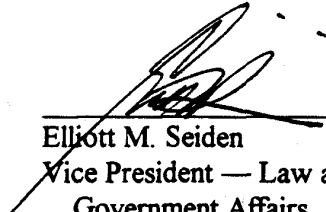
¹ Council Regulation (EC) No.925/1999, 1999 O.J. (L 115/1) 1 (adopted April 29, 1999; published May 4, 1999).

² Convention On International Civil Aviation, Dec. 7, 1944, 61 Stat. 1180, 1189.

Respectfully submitted,

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