

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

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

**CORRECTED VERSION**

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

Communications with respect to this document should be sent to:

Douglas M. Steenland  
Executive Vice President —  
Chief Corporate Officer  
NORTHWEST AIRLINES, INC.  
5101 Northwest Drive  
St. Paul, MN 55111

Megan Rae Rosia  
Managing Director —  
Government Affairs  
Associate General Counsel  
NORTHWEST AIRLINES, INC.  
901 15th Street, N.W.  
Suite 310

Washington, DC 20005  
(202) 842-3193  
Elliott M. Seiden  
Vice President —  
Law and Government Affairs  
H. Clayton Foushee, Jr.  
Vice President —  
Regulatory Affairs  
NORTHWEST AIRLINES, INC.  
901 15th Street, N.W.  
Suite 310  
Washington, DC 20005  
(202) 842-3193

July 27, 2000

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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,<sup>1</sup> 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 Convention<sup>2</sup> 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 December 1, 2000, 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, particularly if the U.S. Government voluntarily dismisses its complaint before ICAO without negotiating an agreement with the E.U.

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


<sup>2</sup> Convention On International Civil Aviation, Dec. 7, 1944, 61 Stat. 1180, 1189.

to resolve this dispute.

Respectfully submitted,

Douglas M. Steenland  
Executive Vice President —  
Chief Corporate Officer  
NORTHWEST AIRLINES, INC.  
5101 Northwest Drive  
St. Paul, MN 55111

Megan Rae Rosia  
Managing Director —  
Government Affairs  
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Suite 310  
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Elliott M. Seiden  
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Government Affairs  
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Vice President — Regulatory Affairs  
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