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

**DEPARTMENT ACTION ON APPLICATION IN DOCKET OST-2000-6939-29**

(Joint Application of Delta Air Lines/Atlantic Southeast Airlines/Comair and Societe Air France/  
Brit Air/City Jet/Regional for amended statement of authorization to permit Air France to display  
Delta's designator code on Air France flights between Santiago-Buenos Aires, filed February 7, 2003)

Approved under assigned authority (14 CFR §385.13).

Date of Action: **MARCH 6, 2003**

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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 §385.31, 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.

## **Delta/Air France Santiago-Buenos Aires Code-Share Conditions**

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

- (a) The statement of authorization will remain in effect only as long as (i) Delta and Air France continue to hold the necessary underlying authority to operate the code-share services at issue, and (ii) the code-share and/or alliance agreement providing for the code-share operations remains in effect;
- (b) Delta and/or Air France must notify the Department immediately if the code-share agreement under which these code-share services are operated is no longer in effect or if the carriers decide to cease operating these code-share services. We expect this notification to be received within 10 days of such non-effectiveness or of such decision. Such notices should be filed in Docket OST-2000-6939;
- (c) All operations conducted under this authorization must comply with the terms, conditions, and limitations of Order 2002-1-6 (Delta/Delta Connection, Air France, Alitalia and Czech Airlines antitrust immunity order) and any subsequent order(s) of the Department regarding the alliance;
- (d) The code-sharing operations conducted under this authority must comply with 14 CFR 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; that the passenger liability of the operating carrier be unaffected; and that the operating carrier shall not permit the code of its U.S. code-sharing partner to be carried on any flight that enters, departs, or transits the airspace of any area for whose airspace the Federal Aviation Administration has issued a flight prohibition;
- (e) The authority granted here is specifically conditioned so that neither Delta nor Air France shall give any force or effect to any contractual provisions between themselves that are contrary to these conditions.

We may amend, modify, or revoke this authority at any time without hearing.