



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

DEPT. OF TRANSPORTATION
DOCKETS

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DEPARTMENT ACTION ON APPLICATION IN DOCKET OST-2004-16945 - 43
Application of Compañía Mexicana de Aviación, S.A. de C.V. (Mexicana), for a Statement
of Authorization under 14 C.F.R. Part 212 to permit Mexicana to display the "AA" code of
American Airlines (American), on Mexicana flights between Dallas/Ft. Worth, Texas, and
Guadalajara, Mexico¹
(filed July 28, 2005)

Approved under assigned authority (14 CFR §385.13).

Date of Action: August 16, 2005

for Esta Rosenberg

Director, Office of International Aviation

The Statement of Authorization granted is subject to the following conditions:

- (a) The statement of authorization will remain in effect only as long as American and Mexicana continue to hold the underlying authority to operate the code-share services at issue, and the code-share agreement providing for the code-share operations remains in effect.
- (b) American and/or Mexicana must promptly notify the Department (Office of International Aviation) if the code-share agreement is no longer effective or if the carriers decide to cease operating all or a portion of the approved code-share services.² (Such notice should be filed in Docket OST-2004-16945.)
- (c) The code-sharing operations conducted under this authority must comply with 14 CFR 257 and with any amendment 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

¹ Mexicana holds Guadalajara-Dallas/Ft. Worth operating authority pursuant to its foreign air carrier permit. (See Order 78-6-127). American holds certificate authority to serve the Dallas/Ft. Worth-Guadalajara market. (See Order 2000-5-31)

² We expect this notification to be received within 10 days of such non-effectiveness or of such decision.

established in its contract of carriage with the passenger; and that the passenger liability of the operating carrier be unaffected.

(d) The authority granted here is specifically conditioned so that neither American nor Mexicana shall give any force or effect to any contractual provisions between themselves that are contrary to these conditions.

(e) We may amend, modify, or revoke the authority granted at any time without hearing at our discretion.

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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