



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

DEPARTMENT ACTION ON APPLICATION IN DOCKET OST-2002-14057
Application of Delta Air Lines, Inc. (Delta) and Aerovias Nacionales de Colombia, S.A.
(Avianca), for an Amended Statement of Authorization under 14 C.F.R. Part 212 to permit
Avianca to display the "DL" code of Delta, on Avianca flights between Los Angeles,
California, and Bogota, Colombia¹
(filed April 4, 2006)

Approved under assigned authority (14 CFR §385.13).

Date of Action: April 17, 2006

for *Esta Rosenberg*
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.

¹ Delta holds exemption authority to serve between the United States and 11 named points in Colombia, consistent with the U.S.-Colombia Air Transport Agreement, on a code-share only basis with Avianca. (See Notice of Action Taken, dated August 13, 2003, in the instant docket). Bogota is a named point under that agreement. We also note that Delta holds direct authority to serve the Atlanta-Bogota market. (See Order 00-9-21). Avianca holds Los Angeles-Bogota operating authority pursuant to its foreign air carrier permit. (See Order 86-9-36).

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

- (a) The statement of authorization will remain in effect only as long as (i) Delta and Avianca 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.
- (b) Delta and Avianca 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 if the carriers decide to cease operating all or a portion of the approved code-share services. Such notices should be filed in Docket OST-2002-14057.²
- (c) Delta and/or Avianca must notify the Department no later than 30 days before they begin any new code-share service under the code-share services authorized here. Such notice shall identify the market(s) to be served and the date on which the service will begin. Such notices should be filed in Docket OST-2002-14057.
- (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 the 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 Avianca shall give any force or effect to any contractual provisions between themselves that are contrary to these conditions.
- (f) We may amend, modify, or revoke the authority granted at any time without hearing at our discretion.

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http://dms.dot.gov/reports/reports_aviation.asp

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