



Order 2008-2-19

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Issued by the Department of Transportation
on the 13th day of December, 2007

Served: February 13, 2008

Application of

AIRBRIDGECARGO AIRLINES LIMITED

for a foreign air carrier permit under 49 U.S.C. §41301

Docket DOT-OST-2007-28233

FINAL ORDER

By Order 2007-11-15, issued November 21, 2007, we directed all interested persons to show cause why we should not make final our tentative findings and conclusions stated therein and award a foreign air carrier permit in the form attached to the Order and subject to the conditions attached thereto. We gave interested persons 21 days to file objections to the Order. We said that if no objections are filed, all further procedural steps shall be deemed waived, and the Department will enter an order (subject to Presidential review under 49 U.S.C. §41307) which will make final the findings and conclusions of the Order.

No objections were received within the time period provided.

ACCORDINGLY,

1. We make final our findings and conclusions as stated in Order 2007-11-15 and award to AirBridgeCargo Airlines Limited the foreign air carrier permit subject to the conditions attached to the Order (and attached to the present Order as Appendix A), and to the conditions that, in the conduct of the scheduled and charter services authorized herein, AirBridgeCargo Airlines Limited must adhere to (1) FAA-approved flight routings; and (2) the Air Transport Agreement between the United States and the Russian Federation, including its Annexes. In accordance with §212.9(d) and (e) of the Department's rules, AirBridgeCargo Airlines Limited shall not perform any charter(s) unless specific authority in the form of a statement of authorization for such charter(s) has been granted by the Department. Applications for statements of authorization required above shall be filed in accordance with the procedures set forth in § 212.10;¹

¹ With regard to the scheduled all-cargo authority granted herein, the applicant must be appropriately designated by its homeland to serve any unnamed points authorized in this order and permit.

2. Unless disapproved by the President of the United States under 49 U.S.C. §41307, this order shall become effective on the 61st day after its submission for §41307 review or upon the date of receipt of advice from the President or his designee under Executive Order 12597 and implementing regulations that he or she does not intend to disapprove the Department's order under that section, whichever occurs earlier.²

3. We will serve a copy of this order on AirBridgeCargo Airlines Limited , the City of Houston, the Ambassador of the Russian Federation to the United States in Washington, D.C., the Federal Aviation Administration, and the U.S. Department of State (Office of Aviation Negotiations).

By:

PAUL L. GRETCH
Director
Office of International Aviation

(SEAL)

² This order was submitted for review under 49 U.S.C. §41307, on December 13, 2007. The 61st day is February 12, 2008. Since the President or his designee did not disapprove this order before that date, it became effective on February 12, 2008.

Appendix A

Issued by
Order 2008-2-19



**UNITED STATES OF AMERICA
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OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

PERMIT TO FOREIGN AIR CARRIER

AirBridgeCargo Airlines Limited

A Foreign Air Carrier of the Russian Federation

is authorized, subject to the following provisions, the provisions of Title 49 of the U.S. Code, and the orders, rules, and regulations of the Department of Transportation, to engage in charter foreign air transportation of property and mail as follows:

Scheduled foreign air transportation of property and mail between a point or points in the Russian Federation, on the one hand, via intermediate points, and Houston, Texas; New York, New York; and Atlanta, Georgia, on the other hand, and beyond to a point or points in the Western Hemisphere

Charter foreign air transportation of property and mail between any point or points in the Russian Federation and any point or points in the United States

The holder shall also be authorized to engage in other charter trips in foreign air transportation, subject to the terms, conditions, and limitations of the Department's regulations governing charters.

This permit and the exercise of the privileges granted in it shall be subject to the terms, conditions and limitations in both the order issuing this permit and the attachment to this order, and to all applicable provisions of any treaty, convention or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and the holder's homeland are or shall become parties.

This permit shall be effective on February 12, 2008. Unless otherwise terminated at an earlier date pursuant to the terms of any applicable treaty, convention or agreement, this permit shall terminate (1) upon the dissolution or liquidation of the holder to whom it was issued; (2) upon the effective date of any treaty, convention, or agreement or amendment, which shall have the effect of eliminating the bilateral

right for the service authorized by this permit from the service which may be operated by airlines designated by the Government of the Russian Federation (or, if the right is partially eliminated, then the authority of this permit shall terminate in like part); (3) upon the effective date of any permit granted by the Department to any other carrier designated by the Government of the Russian Federation in lieu of the holder; or (4) upon the termination or expiration of the applicable air services agreement between the United States and Russia. However, clause (4) of this paragraph shall not apply if prior to such termination or expiration, the foreign air transportation authorized herein becomes the subject of another treaty, convention or agreement to which the United States and Russia become parties.

The Department of Transportation has executed this permit and affixed its seal on December 13, 2007.

By:

PAUL L. GRETCH
Director
Office of International Aviation

(SEAL)

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<http://www.regulations.gov>

Foreign Air Carrier Permit Conditions

In the conduct of the operations authorized, the foreign carrier applicant(s) shall:

- (1) Not conduct any operations unless it holds a currently effective authorization from its homeland for such operations, and it has filed a copy of such authorization with the Department;
- (2) Comply with all applicable requirements of the Federal Aviation Administration, the Transportation Security Administration, and with all applicable U.S. Government requirements concerning security, including, but not limited to, 14 CFR Parts 129, 91, and 36 and 49 CFR Part 1546 or 1550, as applicable. To assure compliance with all applicable U.S. Government requirements concerning security, the holder shall, before commencing any new service (including charter flights) from a foreign airport that would be the holder's last point of departure for the United States, contact its International Industry Representative (IIR) (formerly referred to as International Principal Security Inspector) to advise the IIR of its plans and to find out whether the Transportation Security Administration has determined that security is adequate to allow such airport(s) to be served;
- (3) Comply with the requirements for minimum insurance coverage contained in 14 CFR Part 205, and, prior to the commencement of any operations under this authority, file evidence of such coverage, in the form of a completed OST Form 6411, with the Federal Aviation Administration's Program Management Branch (AFS-260), Flight Standards Service (any changes to, or termination of, insurance also shall be filed with that office);
- (4) Not operate aircraft under this authority unless it complies with operational safety requirements at least equivalent to Annex 6 of the Chicago Convention;
- (5) Conform to the airworthiness and airman competency requirements of its Government for international air services;
- (6) Except as specifically exempted or otherwise provided for in a Department Order, comply with the requirements of 14 CFR Part 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (7) Agree that operations under this authority constitute a waiver of sovereign immunity, for the purposes of 28 U.S.C. 1605(a), but only with respect to those actions or proceedings instituted against it in any court or other tribunal in the United States that are: (a) based on its operations in international air transportation that, according to the contract of carriage, include a point in the United States as a point of origin, point of destination, or agreed stopping place, or for which the contract of carriage was purchased in the United States; or (b) based on a claim under any international agreement or treaty cognizable in any court or other tribunal of the United States. In this condition, the term "international air transportation" means "international transportation" as defined by the Warsaw Convention, except that all States shall be considered to be High Contracting Parties for the purpose of this definition;
- (8) Except as specifically authorized by the Department, originate or terminate all flights to/from the United States in its homeland;
- (9) Comply with the requirements of 14 CFR Part 217, concerning the reporting of scheduled, nonscheduled, and charter data;
- (10) If charter operations are authorized, except as otherwise provided in the applicable aviation agreement, comply with the Department's rules governing charters (including 14 CFR Parts 212 and 380); and
- (11) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department, with all applicable orders or regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

This authority shall not be effective during any period when the holder is not in compliance with the conditions imposed above. Moreover, this authority cannot be sold or otherwise transferred without explicit Department approval under Title 49 of the U.S. Code.