

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

Application of

**BA EUROPEAN LTD T/A  
OPENSKIES**

For a Statement of Authorization pursuant to  
14 CFR Part 212 (Codeshare with Elysair  
SAS d/b/a Elysair)

Docket DOT-OST-2008-

**APPLICATION OF BA EUROPEAN LTD T/A OPENSKIES  
FOR A STATEMENT OF AUTHORIZATION**

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May 2, 2008

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BA European Ltd t/a OpenSkies (“OpenSkies”) hereby requests a statement of authorization pursuant to Part 212 of the Department’s Regulations to the extent necessary to enable it to list the “A0” designator code of Elysair SAS d/b/a Elysair (“Elysair”) on flights operated by OpenSkies between Paris and New York. OpenSkies and Elysair intend to inaugurate codeshare service on or about June 19, 2008 and OpenSkies respectfully requests expedited action on this application to the extent necessary to enable the proposed codeshare service to begin on that date.

In support of this application OpenSkies states as follows:

1. By application dated February 15, 2008 and submitted in Docket DOT-OST-2008-0064, OpenSkies requested issuance of permit and exemption authority to enable it to engage in, inter alia, foreign air transportation between any point or points in any Member State of the European Union and any point or points in the United States. That application remains

pending before the Department and OpenSkies understands that the implementation of codeshare authority requested here would be contingent on receipt of underlying permit and/or exemption authority.

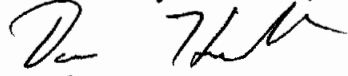
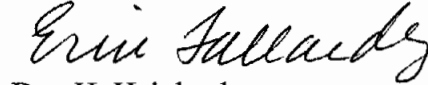
2. Elysair holds authority to engage in foreign air transportation between any point or points in the United States and points in France. That authority was most recently renewed by the Department on February 6, 2008 in Docket DOT-OST-2006-26517.

3. Although the initial codeshare service would operate between Orly (ORY) and John F. Kennedy (JFK) airports, future operations may also serve Charles de Gaulle (CDG) and Newark International (EWR). For that reason, OpenSkies requests that the authority granted include flexibility to serve all four airports.

4. Approval of the codeshare authority requested here would be in the public interest. The proposed services are consistent with the recently implemented Air Transport Agreement Between the United States and the European Community and the Member States of the European Community ("U.S.-EU Air Transport Agreement"). Pursuant to Article 10 of the U.S.-EU Air Transport Agreement, any airline of a Party may enter into cooperative marketing arrangements such as codesharing arrangements with any other airline of a Party under circumstances where both airlines hold the appropriate authority. Accordingly, the United States has agreed to authorize this type of codeshare service.

WHEREFORE, OpenSkies submits that the proposed codeshare arrangement with Elysair would be consistent with the public interest and it respectfully requests expedited issuance of the codeshare authority described above.

Respectfully submitted,

Don H. Hainbach  
Erin M. Tallardy

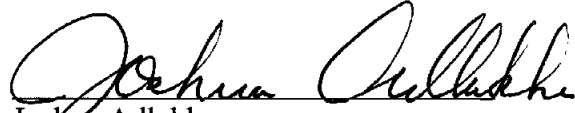
*Attorneys for BA European Ltd  
t/a OpenSkies*

May 2, 2008

## CERTIFICATE OF SERVICE

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I certify that on this 2<sup>nd</sup> day of May 2008, a copy of the foregoing Application has been served by electronic mail on the parties named below.

  
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