



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC

Issued by the Department of Transportation on March 3, 2020

NOTICE OF ACTION TAKEN – DOCKETS DOT-OST-2019-0185 and DOT-OST-2007-27790

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of **EASTERN AIRLINES, LLC (Eastern)**, filed **December 18, 2019**, for:

XX Exemption under 49 U.S.C. § 40109 to provide the following service:

Scheduled foreign air transportation of persons, property, and mail between the United States and all countries with which the United States has an open-skies (or MALIAT) agreement being applied, as well as any country with which the United States may in the future enter into such an agreement, once the agreement is applied to both countries.

XX Certificate of Public Convenience and Necessity under 49 U.S.C. § 41102 to provide the following service:

Scheduled foreign air transportation of persons, property, and mail between the United States and all countries with which the United States has an open-skies (or MALIAT) agreement being applied, as well as any country with which the United States may in the future enter into such an agreement, once the agreement is applied to both countries.

Applicant representatives: **Joanne W. Young and David M. Kirstein (202) 331-3348**

DOT Analyst: **Darren Jaffe (202) 366-2512**

DISPOSITION

XX **Granted, request for exemption (subject to conditions, see below; see also Remarks below)**

XX **Deferred, request for certificate authority.¹**

The above action granting exemption authority was effective when taken: **March 3, 2020**, through **March 3, 2022**, or until 90 days after final Department on Eastern's application for a certificate of public convenience and necessity, whichever occurs earlier.

The action deferring on the applicant's request for certificate authority was effective when taken: **March 3, 2020**.

Action taken by: **Brian J. Hedberg, Director**
Office of International Aviation

XX **The authority granted is consistent with the Open-Skies aviation agreements that are currently being applied.**

¹ We will handle Eastern's request for certificate authority separately.

Except to the extent exempted or waived, this authority is subject to the terms, conditions, and limitations indicated:

- Holder's certificates of public convenience and necessity
- Standard exemption conditions (attached)

Conditions/Remarks: We have decided to grant Eastern the requested exemption authority to serve all Open-Skies partners; that is, foreign aviation partners with which the United States has entered into an Open-Skies agreement where that agreement is being applied. We have also decided to grant to Eastern exemption authority to serve Brunei Darussalam, Chile, Cook Islands, New Zealand, Singapore, and Tonga, each a signatory to the Multilateral Agreement on the Liberalization of International Air Transportation ("MALIAT").²

We also grant the carrier blanket authority such that when an additional foreign aviation partner enters into an Open-Skies agreement with the United States, and where that agreement is being applied, authority to serve that Open-Skies partner will automatically be included as part of the carrier's exemption authority without the need for further action by the Department or the carrier. We find that the award of such authority, on a prospective basis, with the enhanced administrative convenience it would accord to the carrier, is consistent with the public interest.

The Department's Office of International Aviation maintains a list of currently applied Open-Skies aviation agreements between the United States and its Open-Skies partners.³ The Department updates the list as Open-Skies partners are added.⁴

On the basis of data officially noticeable under Rule 24(g) of the Department's regulations, we found the applicant qualified to provide the exemption services authorized.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) grant of the authority was consistent with the public interest; and (3) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted or deferred, we denied all requests in the referenced Dockets. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

An electronic version of this document is available on the World Wide Web at:
www.regulations.gov

² We have Open-Skies relationships with the Cook Islands and Tonga, under the MALIAT. Also, the MALIAT supersedes our bilateral Open-Skies agreements with Brunei, Chile, New Zealand, and Singapore.

³ See <http://www.dot.gov/policy/aviation-policy/open-skies-agreements-being-applied> for the list of Open-Skies agreements that are being applied.

⁴ The Department will also update the list if an Open-Skies partner is removed and will provide notice when this occurs. Notice will be provided by publication in the Federal Register.

U.S. Carrier Exemption Conditions

In the conduct of the operations authorized, the U.S. carrier applicant(s) shall:

- (1) Hold at all times effective operating authority from the government of each country served;
- (2) Comply with applicable requirements concerning oversales contained in 14 CFR 250 (for scheduled operations, if authorized);
- (3) Comply with the requirements for reporting data contained in 14 CFR 241;
- (4) Comply with requirements for minimum insurance coverage, and for certifying that coverage to the Department, contained in 14 CFR 205;
- (5) Except as specifically exempted or otherwise provided for in a Department Order, comply with the requirements of 14 CFR 203, concerning waiver of Warsaw Convention liability limits and defenses;
- (6) 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, 49 CFR Part 1544. To assure compliance with all applicable U.S. Government requirements concerning security, the holder shall, before commencing any new service (including charter flights) to or from a foreign airport, contact its Principal Security Inspector (PSI) to advise the PSI 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;
- (7) Comply with such other reasonable terms, conditions, and limitations required by the public interest as may be prescribed by the Department of Transportation, with all applicable orders and regulations of other U.S. agencies and courts, and with all applicable laws of the United States.

The authority granted shall be effective only during the period when the holder is in compliance with the conditions imposed above.