



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

Joint Application of

**AER LINGUS GROUP DAC
AMERICAN AIRLINES, INC.
BRITISH AIRWAYS PLC
FINNAIR OYJ
IBERIA LÍNEAS AÉREAS DE ESPAÑA, S.A.
OPENSKIES SAS
ROYAL JORDANIAN AIRLINES**

**Under 49 U.S.C. §§ 41308 and 41309 for Approval of
and Antitrust Immunity for Alliance Agreements**

Docket DOT-OST-2008-0252

NOTICE ESTABLISHING PROCEDURAL SCHEDULE

In their motion to amend Order 2010-7-8, the Joint Applicants seek inclusion of Aer Lingus Group DAC (Aer Lingus) into the existing transatlantic joint venture (Existing Joint Business). The Joint Applicants are requesting an approval of, and grant of antitrust immunity for, an amended joint business agreement from the U.S. Department of Transportation (the Department). The record in this proceeding is now substantially complete and we establish a procedural schedule, as set forth below.

Background

On December 21, 2018, the Joint Applicants filed a joint motion to amend Order 2010-7-8 for approval of, and antitrust immunity for, alliance agreements covering foreign air transportation between North America and Europe. They also filed a joint motion pursuant to Rule 12 of the Department's procedural regulations (14 C.F.R. § 302.12) seeking confidential treatment for supporting documents and information.

On December 26, 2018, the Department issued a notice suspending the procedural schedule and providing access for interested parties to confidential documents. The Joint Applicants filed their agreements and supporting documents on January 11, 2019. The Department subsequently issued Order 2019-11-3 on November 7, 2019, requesting that the Joint Applicants provide additional information in order to establish a complete record with the substantive information needed to allow the Department to evaluate the case on its merits. The Joint Applicants responded to this information request on February 5, May 27, and June 5, 2020. The Joint Applicants subsequently

addressed discrepancies with the data they submitted on June 5 and re-submitted the corrected data on July 27, 2020.

The Department notes that the UK Competition and Markets Authority (CMA) has market tested certain remedies in response to its investigation of the Existing Joint Business involving many of the same airlines. The Department is coordinating with the CMA as that authority reviews and seeks to address potential competition concerns regarding transatlantic competition.¹ The Department's decision in this matter may address issues present in this case record that are also being reviewed and addressed by the CMA.

Procedural Schedule

We have finished our initial review of the application and all supporting materials submitted by the Joint Applicants. The record is now substantially complete.² We establish the following procedural schedule for public comments:

Answers – must be filed no later than 28 calendar days from the date of issuance of this Notice;

Replies – must be filed no later than 7 business days after the last day for filing an answer.

We will serve this Notice on all persons on the service list for this docket.

By:

JOEL SZABAT
Assistant Secretary
Aviation and International Affairs

Date:

(SEAL)

An electronic version of this document is available at
<https://www.regulations.gov>

¹ See UK CMA Investigation of the Atlantic Joint Business Agreement, case number 50616, available at <<https://www.gov.uk/cma-cases/investigation-of-the-atlantic-joint-business-agreement>>.

² We reserve the right to require the filing of additional information deemed relevant to the proceeding at any time.