

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC**

_____)	
Application of)	
)	
EW DISCOVER GmbH)	
)	Docket DOT-OST-2021-_____
for Blanket Statements of Authorization)	
Under 14 C.F.R. Part 212)	
(Codesharing with Lufthansa, Austrian Airlines,)	
Brussels Airlines, and)	
Swiss International Air Lines))	
_____)	

**APPLICATION OF EW DISCOVER GmbH
FOR BLANKET STATEMENTS OF AUTHORIZATION**

Communications with respect to this document should be addressed to:

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July 21, 2021

NOTE: The applicant requests expedited approval of this application and will poll the carrier representatives on the attached service list and report the polling results to the Department.

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Brussels Airlines, and)
and Swiss International Air Lines))
)

DATED: July 21, 2021

**APPLICATION OF EW DISCOVER GmbH
FOR BLANKET STATEMENTS OF AUTHORIZATION**

Pursuant to 14 C.F.R. Part 212, EW Discover GmbH (“EW Discover”)¹ hereby applies for blanket statements of authorization to display:

- (1) the “LH” designator code of Deutsche Lufthansa AG (“Lufthansa”);
- (2) the “OS” designator code of Austrian Airlines AG (“Austrian”);
- (3) the “SN” designator code of Brussels Airlines N.V./S.A. (“Brussels”); and
- (4) the “LX” designator code of Swiss International Air Lines Ltd. (“Swiss”)

on EW Discover flights between the European Union and the United States, as described more fully below. The above-referenced carriers plan to begin sale of the proposed codeshare services as soon as possible.² EW Discover requests that the

¹ EW Discover has authorized counsel for Lufthansa to file this application on EW Discover’s behalf.

² EW Discover will poll the parties on the attached service list for non-objections to this application and report the results to the Department.

Department make the requested statements of authorization effective for an indefinite period, consistent with DOT precedent.³

In support of this application, EW Discover states as follows:

1. EW Discover is a licensed air carrier of Germany and a member of the Lufthansa Group. DOT has issued EW Discover an exemption under 49 U.S.C. § 40109 and tentatively found that it is in the public interest to grant EW Discover a foreign air carrier permit.⁴ The exemption allows EW Discover to operate, *inter alia*:

Foreign scheduled and charter air transportation of persons, property and mail from any point or points behind any Member State of the European Union, via any point or points in any Member State and via intermediate points, to any point or points in the United States and beyond; and

Foreign scheduled and charter air transportation of persons, property and mail between any point or points in the United States and any point or points in any member of the European Common Aviation Area.

The scope of authority granted to EW Discover is consistent with that granted to other EU carriers under the U.S.-EU open skies air transport agreement.⁵

2. Lufthansa is a licensed air carrier of Germany and a member of the Lufthansa Group. Lufthansa holds a foreign air carrier permit allowing it to operate, *inter alia*:

Foreign scheduled and charter air transportation of persons, property and mail from any point or points behind any Member State of the European Union, via any point or points in any Member State and via intermediate points, to any point or points in the United States and beyond; and

³ See Application of Eurowings GmbH for a Blanket Statement of Authorization, Department Action on Application, Apr. 3, 2019 (DOT-OST-2019-0048).

⁴ Application of EW Discover GmbH for an Exemption under 49 U.S.C. § 40109 and a Foreign Air Carrier Permit under 49 U.S.C. § 41301, Order Granting Exemption and to Show Cause, Order 2021-6-21, June 22, 2021 (Docket DOT-OST-2021-0035).

⁵ Air Transport Agreement Between the United States of America and the European Union and its Member States, signed Apr. 25, 2007, as amended by the Protocol dated June 24, 2010 (the "U.S.-EU Agreement").

Foreign scheduled and charter air transportation of persons, property and mail between any point or points in the United States and any point or points in any member of the European Common Aviation Area.⁶

3. Austrian is licensed air carrier of Austria and a member of the Lufthansa Group. Austrian holds a foreign air carrier permit allowing it to operate, *inter alia*:

Foreign scheduled and charter air transportation of persons, property and mail from any point or points behind any Member State of the European Union, via any point or points in any Member State and via intermediate points, to any point or points in the United States and beyond; and

Foreign scheduled and charter air transportation of persons, property and mail between any point or points in the United States and any point or points in any member of the European Common Aviation Area.⁷

4. Brussels is a licensed air carrier of Belgium and a member of the Lufthansa Group. Brussels holds a foreign air carrier permit allowing it to operate, *inter alia*:

Foreign scheduled and charter air transportation of persons, property, and mail from any point or points behind any Member State of the European Union via any point or points in any Member State and via intermediate points to any point or points in the United States and beyond; and

Foreign scheduled and charter air transportation of persons, property, and mail between any point or points in the United States and any point or points in any member of the European Common Aviation Area.⁸

5. Swiss is a licensed air carrier of Switzerland and a member of the Lufthansa Group. Swiss holds a foreign air carrier permit allowing it to operate, *inter alia*:

⁶ Application of Deutsche Lufthansa AG for an Exemption under 49 U.S.C. § 40109 and an Amended Foreign Air Carrier Permit under 49 U.S.C. § 41301, Final Order, Order 2008-1-20, Jan. 24, 2008 (Docket DOT-OST-2007-29037).

⁷ Application of Austrian Airlines Osterreichische Luftverkehrs AG for an Exemption under 49 U.S.C. § 40109 and an Amended Foreign Air Carrier Permit under 49 U.S.C. § 41301, Final Order, Order 2007-11-7, Nov. 7, 2007 (Docket DOT-OST-2007-28472).

⁸ Application of Brussels Airlines NV/SA for a Foreign Air Carrier Permit under 49 U.S.C. § 41301, Final Order, Order 2010-3-11, Mar. 9, 2010 (Docket DOT-OST-2009-0287).

Scheduled and charter foreign air transportation of persons, property, and mail from any point to points behind Switzerland via Switzerland and intermediate points to any point or points in the United States and beyond.⁹

6. EW Discover requests statements of authorization, pursuant to 14 C.F.R. Part 212, to display (1) Lufthansa's LH* designator code; (2) Austrian's OS* designator code; (3) Brussels' SN* designator code, and (4) Swiss' LX* designator code in conjunction with foreign air transportation of persons, property and mail on flights operated by EW Discover between points in the EU and points in the United States.¹⁰

7. EW Discover initially plans to display the designator codes of Lufthansa, Austrian, Brussels, and Swiss on EW Discover's flights between Frankfurt, Germany, and Las Vegas, Nevada.¹¹

8. EW Discover will conduct all of its codeshare operations in compliance with 14 C.F.R. Part 257 and accepts the Department's standard codeshare conditions.

9. Approval of the blanket statements of authorization requested herein is consistent with the public interest, the U.S.-Switzerland Air Transport Agreement¹² and the U.S.-EU Agreement. Blanket statements of authorization are in the public interest because they enable codeshare partners to effectively use the broad scope of authority

⁹ Application of Swiss International Air Lines Ltd. for a Foreign Air Carrier Permit under 49 U.S.C. § 41301, Final Order, Order 2011-6-23, June 23, 2011 (Docket DOT-OST-2010-0254).

¹⁰ Swiss codesharing on EW Discover-operated flights will be limited to passengers traveling between the U.S. and Switzerland. Swiss will not hold out or sell tickets under its code to passengers traveling only between the U.S. and EU.

¹¹ See DOT Notice in the Matter of Blanket Notification of Code-Share Service to Open-Skies Partners and Points, dated Feb.9, 2009. EW Discover hereby provides blanket notice of its intent to display the LH*, OS*, SN* and LX* designator codes on flights that EW Discover operates pursuant to its exemption authority on routes involving points in countries that have entered into an open skies agreement with the United States. EW Discover will provide the Department at least 30 days' notice before commencing codeshare service to any non-open skies point.

¹² Air Transport Agreement between the United States of America and the Swiss Confederation, dated June 21, 2010.

available under applicable “open skies” air service agreements. The services contemplated by EW Discover will enhance Lufthansa’s, Austrian’s, Brussels’, and Swiss’ ability to offer consumers a broader range of services between the U.S. and the EU/Switzerland while also enabling more efficient use of EW Discover’s existing U.S. services.

10. EW Discover requests a waiver of the 45-day advance filing requirement contained in 14 C.F.R. § 212.10(d)(2). EW Discover plans to initiate codesharing with Lufthansa, Austrian, Brussels, and Swiss as soon as the carriers have received all necessary governmental approvals. For this reason, EW Discover respectfully requests expedited approval of this application.

WHEREFORE, EW Discover respectfully requests that the Department grant its request for the blanket statements of authorization described herein for an indefinite period, and grant such other additional relief as the Department may deem appropriate.

Respectfully submitted,



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DATED: July 21, 2021

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Application of EW Discover GmbH for Blanket Statements of Authorization by electronic mail upon the following:

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DATED: July 21, 2021