



**U.S. Department of  
Transportation**  
Office of the Secretary  
of Transportation

**DEPARTMENT ACTION ON APPLICATION IN DOCKET DOT-OST-2023-0040**  
(filed March 9, 2023)

Application of Etihad Airways P.J.S.C. (Etihad) for a blanket statement of authorization under 14 CFR Part 212 to permit Etihad for an indefinite duration to display the N8\* designator code of National Air Cargo Group, Inc. (National) on Etihad flights in either direction from points behind the United Arab Emirates (UAE), via the UAE and intermediate points, to a point or points in the United States and beyond, pursuant to a code-sharing arrangement with National for the carriage of mail.

The applicant also requests a waiver of the 45-day advance filing requirement contained in 14 CFR Part 212.10(d)(2).

Approved under assigned authority (14 CFR § 385.13).

Date of Action: March 17, 2023<sup>1</sup>

For- Robert J. Finamore  
Director, Office of International Aviation

This action is subject to the conditions attached. Persons entitled to petition the Department for review of this action under the Department's regulations, 14 CFR § 385.30, should file their petitions within seven days of the date of this action. This action is effective immediately, and the filing of a petition for review will not alter its effectiveness.

*An electronic version of this document is available on the World Wide Web at:*  
**<http://www.regulations.gov>**

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<sup>1</sup> The Department is acting on the applicant's request prior to the expiration of the 7-business day answer period with the consent of all parties served.

**The code-share operations authorized here are subject to the following conditions:**

- (a) The statement of authorization will remain in effect only as long as (i) Etihad and National continue to hold the necessary underlying authority to operate the code-share services at issue, and (ii) the code-share agreement providing for the code-share operations remains in effect.
- (b) Etihad and/or National must promptly notify the Department if the code-share agreement providing for the code-share operations is no longer effective or the carriers decide to cease operating any or all of the approved code-share services. Such notices should be filed in Docket OST-2023-0040.<sup>2</sup>
- (c) Etihad and/or National must notify the Department no later than 30 days before they begin any new code-share service under the code-share services authorized here. Such notice shall identify the market(s) to be served and the date on which the services will begin.<sup>3</sup> Such notice shall be filed in Docket DOT-OST-2023-0040.
- (d) The code-sharing operations conducted under this authority must comply with 14 CFR 257 and with any amendments to the Department's regulations concerning code-share arrangements that may be adopted. Notwithstanding any provisions in the contract between the carriers, our approval here is expressly conditioned upon the requirements that the subject foreign air transportation be sold in the name of the carrier holding out such service in computer reservation systems and elsewhere; that the carrier selling such transportation (i.e., the carrier shown on the waybill) accept responsibility for the entirety of the code-share journey for all obligations established in its contract of carriage with the shipper; that the liability of the operating carrier be unaffected; and that the operating carrier shall not permit the code of its U.S. code-sharing partner to be carried on any flight that enters, departs, or transits the airspace of any area for whose airspace the Federal Aviation Administration has issued a flight prohibition.
- (d) The authority granted here is specifically conditioned so that neither Etihad nor National shall give any force or effect to any contractual provisions between themselves that are contrary to these conditions.
- (e) We may amend, modify, or revoke the authority granted at any time without hearing at our discretion.

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<sup>2</sup> We expect this notification to be received within 10 days of such non-effectiveness or of such decision.

<sup>3</sup> Etihad provides in its application notice of the routes on which it initially intends to display the National designator code. In addition, pursuant to the Department's Notice in the Matter of Blanket Notification of Code-Share Service to Open-Skies Partners and Points, dated February 9, 2009, the applicant provides blanket 30-day notification of its intent to code-share to Open-Skies points. The applicant also states that it will file 30-day notices for any proposed code-share services to non-Open Skies points.