



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

**DEPARTMENT ACTION ON APPLICATION IN DOCKET DOT-OST-2023-0076**  
filed May 2, 2023

**Application of El Al Israel Airlines Ltd. (EL AL) for a blanket statement of authorization for an indefinite duration under 14 CFR Part 212 to permit EL AL to display the B6\* designator code of JetBlue Airways Corporation (JetBlue) on flights operated by EL AL between any point or points behind Israel, via a point or points in Israel and intermediate points, on the one hand, and any point or points in the United States, on the other hand, in conjunction with services in the foreign air transportation of persons, property, and mail held out by JetBlue.**

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

Approved under assigned authority (14 CFR § 385.13)

Date of Action: May 25, 2023

*Robert J. Finamore*  
For- 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.

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<http://www.regulations.gov>

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

- (a) The statement of authorization will remain in effect only as long as (i) EL AL and JetBlue 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) EL AL and/or JetBlue 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. We expect this notification to be received within 10 days of such non-effectiveness or of such decision. Such notice should be filed in Docket DOT-OST-2023-0076.<sup>1</sup>
- (c) EL AL and/or JetBlue 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 service will begin.<sup>2</sup> Such notice should be filed in Docket DOT-OST-2023-0076.
- (d) The code-sharing operations conducted under this authority must comply with 14 CFR Part 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 the computer reservation systems and elsewhere; that the carrier selling such transportation (*i.e.*, the carrier shown on the ticket) accept responsibility for the entirety of the code-share journey for all obligations established in its contract of carriage with the passenger; that the passenger 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.
- (e) The authority granted here is specifically conditioned so that neither EL AL nor JetBlue shall give any force or effect to any contractual provisions between themselves that are contrary to these conditions.
- (f) We may amend, modify, or revoke the authority granted at any time without hearing at our discretion.

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<sup>1</sup> We expect this notification to be received within 10 days of such non-effectiveness or of such decision.

<sup>2</sup> EL AL states that it initially plans to display the "B6\*" code on EL AL-operated flights between Tel Aviv, on the one hand, and Boston, Los Angeles, Miami, New York (JFK), and Newark, on the other hand, with Ft. Lauderdale to follow in the summer. 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, EL AL provides blanket 30-day notification of its intent engage in code-share services to Open-Skies points. EL AL states that it will file 30-day notices for any proposed code-share services to non-Open Skies points.