

# AIRLINE ALLIANCES OPERATING WITH ANTITRUST IMMUNITY

A compendium of antitrust immunity cases administered by the Secretary of Transportation pursuant to 49 U.S.C. §§ 41308-41309.

## ALLIANCE GROUPINGS

| SkyTeam  | Star Alliance  | Oneworld  | Other                                    |
|--|--|---|--|
| Delta/ Northwest/ Air France/ KLM/ Alitalia/ Czech/ Korean | United/ Continental/ Air Canada/ Lufthansa/ Swiss/ Austrian/ SAS/ bmi/ LOT/ TAP<br><br>United/ Air New Zealand<br><br>United/ Asiana | American/ Finnair<br><br>American/ Lan Airlines/ Lan Peru*<br><br>* Affiliate of LAN but not a member of oneworld | Continental/ COPA<br><br>SAS/ Icelandair |

## DOCKETS

All dockets can be accessed at <http://www.regulations.gov>.

### Aloha-Hawaiian (closed out)

|              |  |
|--------------|--|
| Filed:       | July 31, 2002  |
| Docket:      | OST-2002-13002   |
| Final Order: | Sept. 30, 2002, Order 2002-9-5 (authority effective until October 1, 2003) |
| Closed out:  | Order 2007-5-16 (May 24, 2007)   |

### America West –Royal Jordanian (closed out)

|              |                                |
|--------------|--------------------------------|
| Filed:       | July 12, 2004                  |
| Docket:      | OST-2004-18613                 |
| Final Order: | Jan. 27, 2005, Order 2005-1-23 |
| Closed out:  | Order 2007-5-16 (May 24, 2007) |

### American-CAI (closed out)

|              |                              |
|--------------|------------------------------|
| Filed:       | November 3, 1995             |
| Docket:      | OST-1995-792                 |
| Final Order: | July 15, 1996, Order 96-7-21 |

|             |   |
|-------------|---|
|             | Carve outs: New York-Toronto (U.S. POS all local O&D traffic only). |
|             | Alliance ended on June 1, 2000.                                     |
| Closed out: | Order 2007-5-16 (May 24, 2007)                                      |

**American-British Airways I (Terminated and closed out)**

|         |   |
|---------|---|
| Filed:  | January 10, 1997                                      |
| Docket: | OST-1997-2058   |
| Order:  | Order 99-7-22 (July 30, 1999) terminating proceedings |

**American-British Airways II (Terminated and closed out)**

|              |  |
|--------------|--|
| Filed:       | August 10, 2001  |
| Docket:      | OST-2001-10387 and 11029   |
| Final Order: | April 4, 2002, Order 2002-4-4 (Granted AA-BA motion to dismiss). |
| Closed out:  | Order 2007-5-16 (May 24, 2007 closing out 10387)                 |

**American-Finnair**

|              |                                |
|--------------|--------------------------------|
| Filed:       | April 4, 2002                  |
| Docket:      | OST-2002-12063                 |
| Final Order: | July 30, 2002, Order 2002-7-39 |

**American-Iberia-Finnair-Malev-Royal Jordanian (dismissed)**

|            |  |
|------------|--|
| Filed:     | July 24, 2007  |
| Docket:    | OST-2007-28845   |
| Dismissed: | Order 2008-6-18 dismissed the case without prejudice, per the parties' request. The parties had moved to dismiss after DOT issued a notice requiring further information before the record could be declared substantially complete. |

**American-British Airways Iberia-Finnair-Royal Jordanian (oneworld) (pending)**

|         |                 |
|---------|-----------------|
| Filed:  | August 15, 2008 |
| Docket: | OST-2008-0252   |

### **American-LAN**

|                                   |   |
|-----------------------------------|---|
| Filed:<br>Docket:<br>Final Order: | December 23, 1997<br>OST-1997-3285<br>September 13, 1999, Order 99-9-9<br><br>Carve outs: Miami-Santiago (U.S. point-of-sale time-sensitive traffic only) |
|-----------------------------------|---|

### **American-LAN Perú-LAN Airlines**

|                                   |   |
|-----------------------------------|---|
| Filed:<br>Docket:<br>Final Order: | December 22, 2004<br>OST-2004-19964 (see also OST-1997-3285)<br>Order 2005-10-8 (Oct. 13, 2005)<br><br>Carve outs: Miami-Lima and Miami-Santiago (U.S. point-of-sale time-sensitive traffic only)<br><br>Related common branding proceeding: OST-2005-21121 |
|-----------------------------------|---|

### **American- Swissair-Sabena (terminated and closed out)**

|                                   |  |
|-----------------------------------|--|
| Filed:<br>Docket:<br>Final Order: | November 19, 1999<br>OST-1999-6528<br>Order 2000-5-13 (May 11, 2000)<br><br>Carve outs: Chicago-Zurich, Chicago-Brussels (U.S. point of sale time-sensitive traffic only).                           |
| Closed out:                       | Order 2007-5-16 (May 24, 2007).<br><br>The three-way AA-SR-SN alliance collapsed. AA-SR Terminated on November 8, 2001; AA-SN Terminated on March 21, 2002, All authorities closed out May 24, 2007. |

### **American-Swiss Int'l Air Lines (closed out)**

|                                   |  |
|-----------------------------------|--|
| Filed:<br>Docket:<br>Final Order: | June 28, 2002<br>OST-2002-12688<br>Order 2002-11-12 (Nov. 22, 2002)<br><br>AA and SR renewed their alliance temporarily after a brief cessation of service by Swiss. |
| Closed out:                       | Order 2007-5-16 (May 24, 2007)   |

**American-SN Brussels (terminated)**

|              |   |
|--------------|---|
| Filed:       | November 13, 2003   |
| Docket:      | OST-2003-16530  |
| Final Order: | April 15, 2004, Order 2004-4-10   |
|              | AA and SN had renewed their alliance after a brief cessation of service by Sabena, now SN Brussels. |
| Terminated:  | Antitrust immunity terminated by notice of the parties, effective October 26, 2009.                 |

**American-TACA Group (Dismissed)**

|         |                               |
|---------|-------------------------------|
| Filed:  | March 17, 2000                |
| Docket: | OST-2000-7088                 |
| Status: | Terminated by Order 2005-6-16 |

**Continental-COPA**

|              |                             |
|--------------|-----------------------------|
| Filed:       | December 22, 2000           |
| Docket:      | OST-2000-8577               |
| Final Order: | May 3, 2001, Order 2001-5-1 |

**Delta-Austrian-Sabena-Swissair (terminated and closed out)**

|              |  |
|--------------|--|
| Filed:       | September 8, 1995  |
| Docket:      | OST-1995-618   |
| Final Order: | June 14, 1996, Order 96-6-33   |
| Closed out:  | Order 2007-5-16 (May 24, 2007)   |
|              | Carve outs: Atlanta-Zurich/Brussels, Cincinnati-Zurich, New York-Brussels/Vienna/Geneva/Zurich (U.S. point-of-sale time-sensitive traffic only). |
|              | The Atlantic Excellence alliance ended on August 6, 2000. Closed out May 24, 2007.   |

**Delta-Air France-Alitalia-Czech Airlines**

|              |   |
|--------------|---|
| Filed:       | August 15, 2001   |
| Docket:      | OST-2001-10429  |
| Final Order: | January 18, 2002, Order 2002-1-6  |
|              | Carve outs: Paris-Atlanta/Cincinnati (U.S. point-of-sale time-sensitive passengers only; carve outs conditionally |

|  |                             |
|--|-----------------------------|
|  | removed in OST-2007-28644). |
|--|-----------------------------|

**Delta-Korean Air Lines-Air France-Alitalia-Czech Airlines**

|              |                                |
|--------------|--------------------------------|
| Filed:       | March 13, 2002                 |
| Docket:      | OST-2002-11842                 |
| Final Order: | June 27, 2002, Order 2002-6-18 |

**Delta – Northwest – Air France – KLM - Alitalia - Czech (SkyTeam I) (Dismissed)**

|              |   |
|--------------|---|
| Filed:       | September 24, 2004  |
| Docket:      | OST-2004-19214 (Consolidated with Codeshare Docket 19215 on October 18, 2004)   |
| Final Order: | February 6, 2006, Order 2006-2-1 (Granted applicants’ motion to dismiss immunity request and approved code-share authority) |

**Delta – Northwest – Air France – KLM - Alitalia - Czech (SkyTeam II)**

|              |  |
|--------------|--|
| Filed:       | June 28, 2007  |
| Docket:      | OST-2007-28644   |
| Show Cause:  | Order 2008-4-17 tentatively approving alliance (April 9, 2008)   |
| Final Order: | Order 2008-5-32 (May 22, 2008)   |
|              | Carve outs from Order 2002-1-6 (docket OST-2001-10429) were removed provided that the alliance implements the joint venture. |

**Delta – Virgin Blue Group (pending)**

|         |                   |
|---------|-------------------|
| Filed:  | July 9, 2009      |
| Docket: | DOT-OST-2009-0155 |

**International Air Transport Association (tariff conferences – immunity revoked in many markets)**

|              |   |
|--------------|---|
| Filed:       |   |
| Docket:      | OST-2006-25307  |
| Show Cause:  | Order 2006-7-3, July 6, 2006, proceeding initiated by the show-cause order. |
| Final Order: | Order 2007-3-23 revoking immunity (March 30, 2007)                          |

### **Northwest-KLM**

|              |                                 |
|--------------|---------------------------------|
| Filed:       | September 9, 1992               |
| Docket:      | 46371 (see also OST-2007-28644) |
| Show Cause:  |                                 |
| Final Order: | Order 93-1-11 (Jan. 11, 1993)   |

### **Northwest-KLM-Alitalia (terminated and closed out)**

|              |   |
|--------------|---|
| Filed:       | May 11, 1999  |
| Docket:      | OST-1999-5674   |
| Final Order: | December 3, 1999, Order 99-12-5   |
| Closed out:  | Order 2007-5-16 (May 24, 2007)  |
|              | AZ Terminated Relationship on October 28, 2001. Case closed out May 24, 2007. NW/KLM continued their alliance from 46371. |

### **Northwest-Malaysia (closed out)**

|              |   |
|--------------|---|
| Filed:       | January 13, 2000  |
| Docket:      | OST-2000-6791   |
| Final Order: | October 13, 2000, Order 2000-10-12  |
| Closed out:  | Order 2007-5-16 (May 24, 2007)  |
|              | Alliance never implemented. Parties notified DOT in October 2005 of intentions not to pursue. Case closed out May 24, 2007. |

### **SAS-Icelandair**

|              |                                    |
|--------------|------------------------------------|
| Filed:       | April 13, 2000                     |
| Docket:      | OST-2000-7248                      |
| Final Order: | October 13, 2000, Order 2000-10-13 |

### **United-Asiana Airlines**

|              |                               |
|--------------|-------------------------------|
| Filed:       | January 3, 2003               |
| Docket:      | OST-2003-14202                |
| Final Order: | May 14, 2003, Order 2003-5-18 |

### **United-Air Canada**

|         |  |
|---------|--|
| Filed:  | June 4, 1996   |
| Docket: | OST-1996-1434  |
| Orders: | Order 97-9-21 (Sept 19, 1997) for transborder immunity |

|  |   |
|--|---|
|  | only (expanded to global immunity in docket 22922 below).<br><br>Carve outs: Toronto-Chicago/San Francisco (for all U.S. point-of-sale, local O&D traffic). |
|--|---|

**United-Air New Zealand**

|              |  |
|--------------|--|
| Filed:       | December 17, 1999  |
| Docket:      | OST-1999-6680  |
| Final Order: | April 3, 2001, Order 2001-4-2  |
|              | Carve outs: Los Angeles-Auckland, Los Angeles-Sydney (for all U.S. POS, time-sensitive traffic only) |

**United-Lufthansa**

|              |  |
|--------------|--|
| Filed:       | February 29, 1996  |
| Docket:      | OST-1996-1116  |
| Show Cause:  | May 9, 1996, Order 96-5-12   |
| Final Order: | May 20, 1996, Order 96-5-27  |
|              | Carve outs: Frankfurt - Washington/Chicago (U.S. point-of-sale nonstop O&D traffic). |

**United-Lufthansa-SAS**

|              |                                 |
|--------------|---------------------------------|
| Filed:       | May 28, 1996, August 14, 1996   |
| Docket:      | OST-1996-1411, OST-1996-1646    |
| Final Order: | November 1, 1996, Order 96-11-1 |

**United-Austrian-Lufthansa-SAS**

|              |                                   |
|--------------|-----------------------------------|
| Filed:       | August 18, 2000                   |
| Docket:      | OST-2000-7828                     |
| Final Order: | January 26, 2001, Order 2001-1-19 |

**United-bmi-Austrian-Lufthansa-SAS**

|         |   |
|---------|---|
| Filed:  | September 5, 2001   |
| Docket: | OST-2001-10575 and 11029  |
| Orders: | April 4, 2002, Order 2002-4-4 (Subject to achieving US-UK open skies within six months of issue date of order).<br><br>October 3, 2002, Order 2002-10-6 (Subject to achieving |

|  |  |
|--|--|
|  | <p>US-UK open skies by December 31, 2002).</p> <p>December 31, 2002, Order 2002-12-22 (Subject to achieving US-UK open skies by June 30, 2003).</p> <p>June 30, 2003, Order 2003-6-39 (Subject to achieving US-UK open skies agreement).</p> <p>Sept 12, 2007, Order 2007-9-12, authority granted effective March 30, 2008 (docket 11029).</p> |
|--|--|

**United-Lufthansa-SAS-Austrian-bmi-LOT-Swiss-TAP-Air Canada**

|             |   |
|-------------|---|
| Filed:      | November 4, 2005  |
| Docket:     | OST-2005-22922; OST-1996-1434 (Air Canada docket consolidated into 22922) |
| Show Cause: | Show Cause Order 2006-12-17 (Dec. 19, 2007)                               |
| Final:      | Final Order 2007-2-16 (Feb. 13, 2007)                                     |

**United – Continental – Lufthansa – Air Canada - SAS-Austrian-bmi-LOT-Swiss-TAP**

|              |  |
|--------------|--|
| Filed:       | July 23, 2008  |
| Docket:      | DOT-OST-2008-0234  |
| Show Cause:  | Order 2009-4-5, April 7, 2009  |
| Final Order: | Order 2009-7-10, July 10, 2009.  |
|              | <p>Carve outs: New York-Copenhagen, New York-Lisbon, New York-Geneva, New York-Stockholm, Cleveland-Toronto, Houston-Calgary, Houston-Toronto, New York-Ottawa, U.S.-Beijing (U.S. POS nonstop O&amp;D traffic). The order also modified pre-existing carve outs as follows:</p> <ul style="list-style-type: none"> <li>○ 2 existing carve outs from the United/ Lufthansa case are removed upon implementation of the Atlantic Plus-Plus joint venture (Washington-Frankfurt and Chicago-Frankfurt).</li> <li>○ 2 existing carve outs from the United/ Air Canada case are retained (San Francisco-Toronto and Chicago-Toronto).</li> <li>○ For the 9 new carve outs, the carriers may petition for their removal under certain conditions</li> </ul> |

**United – Continental – All Nippon Airways (pending)**

|              |                    |
|--------------|--------------------|
| Filed:       | Dec. 23, 2009      |
| Docket:      | DOT-OST-2009-00350 |
| Show Cause:  |                    |
| Final Order: |                    |

*Last updated: 12/30/09*