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BEFORE THE  
U.S. DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.

DEPT. OF TRANSPORTATION  
DOCKETS

2004 JUL 15 P 4: 25

Joint Application of )  
AEROVIAS DE MEXICO, S.A. de C.V. )  
and )  
ALITALIA-LINEE AEREE )  
ITALIANE-S.p.A. )  
For Renewal of Statement of Authorization )  
Under Part 212 )  
(Code Sharing U.S.-Italy Points) )

Docket 2002-12896-3

JOINT APPLICATION FOR RENEWAL OF  
STATEMENT OF AUTHORIZATION

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Dated: July 15, 2004

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STATEMENT OF AUTHORIZATION

Aerovias de Mexico, S.A. de C.V. ("Aeromexico") and Alitalia-Linee Aeree Italiane-S.p.A. ("Alitalia"), referred to collectively as "Joint Applicants," pursuant to Part 212 of the Department's Regulations, hereby apply for renewal of a Statement of Authorization which permits Alitalia to display the designator code of Aeromexico on Alitalia flights between Miami and Milan and New York and Milan. The authorization was approved by Notice dated July 31, 2002 and will expire on July 31, 2004. Joint Applicants request that the authorization be renewed for an indefinite period. By this application, Joint Applicants intend to invoke the automatic extension provisions of 5 U.S.C. § 558(c), and Part 377 of the Department's Special Regulations.

In support of this application, Joint Applicants state as follows:

1. Aeromexico currently holds operating authority from the Department which permits it to serve the above-described Mexico-U.S. routes. See, Order 91-5-25, and Notice of Action Taken, dated December 11, 2001, in Docket OST-00-8374. In addition, Aeromexico holds authority to operate between (a) the co-terminals Acapulco, Mexico City and Puerto Vallarta, and the terminal point New York, and beyond New York to Europe, and (b) the co-terminals Cancun, Cozumel, Guadalajara, Mexico City and Monterrey, and the terminal point Houston, and beyond Houston to Europe.

Consequently, Aeromexico is authorized to carry traffic between Mexico and Europe via the United States and it currently utilizes that authority to transport Mexico-Italy traffic by placing its code on New York-Milan flights operated by Alitalia. Aeromexico does not hold out U.S. - Italy service. The service has been well-patronized and Joint Applicants request that the code share authority be renewed. Although Aeromexico is not currently offering Mexico-Milan service via Miami, it would like to retain the ability to use that gateway and therefore Joint Applicants request that Alitalia's authority to carry Aeromexico's code between Miami and Milan also be extended.

Consistent with the Open Skies aviation agreement between the U.S. and Italy, Alitalia holds exemption authority permitting it to operate in foreign air transportation from points behind Italy via Italy and intermediate points to any point or points in the United States and beyond. See, Notice of Action Taken, dated January 8, 2002, in Docket OST-99-6500.

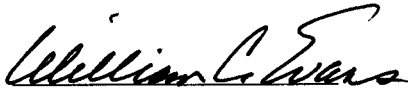
2. The services requested here are authorized under the U.S.-Italy Open Skies bilateral aviation agreement, and are an important means for Alitalia to exercise its traffic rights under that agreement. Grant of this Joint Application would thus be fully consistent with the U.S.-Italy bilateral, as well as consistent with the reciprocity between the U.S. and Mexico that has supported similar grants of authority in the past. *See, e.g.*, approvals of similar arrangements between Aeromexico and Swissair (Notices of Action Taken 97-527, 98-299 and 98-327), between Aeromexico and Austrian Airlines (Notice of Action Taken 98-348), between Mexicana and Air Canada (Notice of Action Taken 98-006) and between Mexicana and Lufthansa (Docket 2000-7235, Notice of Action Taken April 25, 2000). These approvals are ample evidence of the reciprocity between the U.S. and Mexico with respect to third country codeshare operations.

3. Aeromexico and Alitalia will continue to comply with the Department's policies and rules that pertain to codeshare arrangements including (a) the requirement that the contract of carriage and ticket reflect the carrier that is holding out the service, (b) the requirement that the carrier holding out the service accept responsibility for its passengers in accordance with the terms of its contract of carriage, and (c) the requirements of Part 257 of the Department's Regulations that reasonable and timely notice of codeshare arrangements be made to actual and prospective passengers.

4. Approval of this request for renewal of a Statement of Authorization is in the public interest. It will enable Aeromexico to continue to provide single carrier service between Mexico and Italy and will allow the traveling public to enjoy the benefits of that service, including eased ticketing and baggage handling.

WHEREFORE, Aerovias de Mexico, S.A. de C.V. and Alitalia-Linee Aeree Italiane-S.p.A. respectfully request that the Department grant renewal of the Statement of Authorization for the codeshare operations described herein, along with such other and additional relief as the Department may deem appropriate.

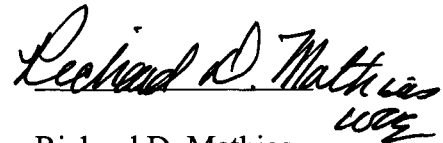
Respectfully submitted,



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July 15, 2004

CERTIFICATE OF SERVICE

I hereby certify that I have this 15<sup>th</sup> day of July, 2004, caused a copy of the foregoing Joint Application of Aerovias de Mexico, S.A. de C.V. and Alitalia-Linee Aeree Italiane-S.p.A. to be served via U.S. mail upon those persons listed on the attached service list.

  
\_\_\_\_\_  
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