



UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.

Issued by the Department of Transportation  
on the 25<sup>th</sup> day of August, 2022

Served: August 25, 2022

In the matters of

**AEROLINEAS ARGENTINAS S.A.**

14 CFR Part 212 Third- and Fourth-Freedom Charter  
Prior Approval Requirements

14 CFR Part 213 Schedule Filing Requirements

Dockets DOT-OST-2021-0060  
DOT-OST-2021-0061

**ORDER REMOVING REQUIREMENT TO FILE SCHEDULES AND  
REQUIREMENT TO OBTAIN PRIOR APPROVAL FOR THIRD- AND  
FOURTH-FREEDOM CHARTER OPERATIONS**

**Summary**

By this Order, we are vacating earlier actions taken by the U.S. Department of Transportation (the Department) imposing on Aerolineas Argentinas S.A. (Aerolineas) (1) 14 CFR Part 213 Phase 1 schedule filing requirements and (2) 14 CFR Part 212 third- and fourth-freedom charter prior approval requirements.

**Background**

By Order 2021-5-10, issued on May 17, 2021, we imposed 14 CFR Part 213 Phase 1 schedule filing requirements on Aerolineas' U.S. services. We took that action in response to the Government of Argentina's impairment of U.S. passenger carrier operating rights provided under the Air Transport Agreement between the Government of the United States and the Government of Argentina. For the same reasons, we concurrently issued Order 2021-5-9, imposing on Aerolineas prior approval requirements under 14 CFR Part 212.

## **Subsequent Development and Decision**

The Department has continued to monitor this situation and we have determined that the restrictions that led to our actions have either been rescinded or modified to a degree that warrant removal of the Part 212 and Part 213 actions we imposed on Aerolineas. More than a year has passed since our actions were taken, and while some entry limitations remain in place as a result of the pandemic, they are no longer being applied in a manner discriminatory to U.S. air carriers vis-à-vis Argentine carriers. As a result, equal market access once again exists.

In light of the above, we have determined that it is in the public interest for the Department to vacate Order 2021-5-10 and remove the 14 CFR Part 213 Phase 1 filing requirement we imposed on Aerolineas. We reach the same conclusion as regards Order 2021-5-9 and vacate that Order so as to remove the 14 CFR Part 212 charter prior approval requirement we placed on Aerolineas.<sup>1</sup>

### **ACCORDINGLY,**

1. We vacate Order 2021-5-10, requiring Aerolineas Argentinas S.A. to file schedules of its U.S. services as set forth in that Order;
2. We vacate Order 2021-5-9, imposing third- and fourth-freedom charter prior approval requirements on Aerolineas Argentinas S.A.;
3. These actions are effective immediately; and
4. We will serve this Order on Aerolineas Argentinas S.A.; the Embassy of Argentina in Washington, D.C.; the Departments of Commerce and State; the Transportation Security Administration; and the Federal Aviation Administration.

By:

**Joel Szabat**  
**Deputy Assistant Secretary**  
**for Aviation and International Affairs**

(SEAL)

*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> We note that, with respect to extrabilateral passenger and cargo charter operations, Aerolineas Argentinas S.A. and any other DOT-licensed Argentine foreign air carriers must still abide by the charter prior approval requirements set forth in 14 CFR Part 212.