



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

Issued by the Department of Transportation
on the 27th day of October, 2023

Served: October 27, 2023

In the matter of

14 CFR Part 213 Phase 2 Amendment of Order 2020-6-1
regarding:

**Air China Limited d/b/a Air China; Beijing
Capital Airlines Co., Ltd.; China Eastern Airlines
Corporation Limited; China Southern Airlines
Company Limited; Hainan Airlines Holding Co.
Ltd.; Sichuan Airlines Co., Ltd.; and Xiamen
Airlines**

Docket DOT-OST-2020-0052

ORDER AMENDING 14 CFR PART 213 ORDER 2020-6-1

Summary

As discussed below, the U.S. Department of Transportation (the Department) is further modifying the decision reached under 14 CFR Part 213 in Order 2020-6-1 to permit the above-captioned combination carriers of China to operate additional weekly round-trip scheduled passenger flights to and from the United States. Specifically, effective November 9, 2023, the specified Chinese carriers may operate, in the aggregate, a total of thirty-five (35) weekly round-trip scheduled passenger flights to and from the United States.

Background

Beginning on June 3, 2020, the Department took a series of actions under 14 CFR Part 213 to address pandemic-related measures taken by the Government of the People's Republic of China (PRC). The Department fully set forth background information and the bases for its decisions in Orders 2020-5-4, 2020-6-1, 2020-6-3, 2020-6-6, 2020-8-6, 2023-5-6, and 2023-

8-10. Order 2020-6-3 and the Orders that followed have authorized incremental increases in authorized services by PRC air carriers in the China-U.S. market. On August 11, 2023, the Department issued Order 2023-8-10 to allow for the most recent increase of services by the above-captioned carriers. Specifically, Order 2023-8-10 provided for (1) effective September 1, 2023, the specified Chinese carriers to operate, in the aggregate, a total of eighteen (18) weekly round-trip scheduled passenger flights to and from the United States; and (2) effective October 29, 2023, the specified Chinese carriers to operate, in the aggregate, a total of twenty-four (24) weekly round-trip scheduled passenger flights to and from the United States. In Notices issued on August 21, 2023, and September 26, 2023, the Department approved Chinese-carrier schedules for the respective increases in weekly flights provided for by Order 2023-8-10.¹

Decision

The Department has continued to assess market conditions and other factors associated with its Part 213 posture. In that regard, we have determined that it is in the public interest to undertake a sixth modification of Order 2020-6-1 to permit the above-captioned combination carriers of China, in accordance with the schedules that have been and/or will be filed as required by Order 2020-5-4 and are approved by the Department, to operate additional weekly round-trip scheduled passenger flights to and from the United States. Specifically, effective November 9, 2023, the specified Chinese carriers may operate, in the aggregate, a total of thirty-five (35) weekly round-trip scheduled passenger flights to and from the United States.

As the Department stated in Order 2020-6-1, our overriding goal is an improved environment wherein the carriers of both parties are able to exercise fully their bilateral rights to maintain a competitive balance and fair and equal opportunity among U.S. and Chinese air carriers. To that end, we seek to continue the ongoing and productive dialogue with CAAC to facilitate a gradual, broader reopening of the U.S.-China air services market. Accordingly, the Department intends to establish a roadmap that will provide for a phased and predictable return to the capacity entitlements in the Agreement conditioned upon carriers' ability to exercise all rights and opportunities provided for under the Agreement. Contingent upon that outcome, the Department hopes to realize a significant step forward in the further normalization of the U.S.-China air transportation market in anticipation of the Summer 2024 traffic season.

ACCORDINGLY,

1. We modify Order 2020-6-1 to permit, effective November 9, 2023, in the aggregate and subject to the limitations and schedule approval requirements outlined above, thirty-five (35)

¹ See Department Notice issued in this Docket on September 26, 2023, for a summary of the approved schedules for the twenty-four (24) weekly round-trip scheduled U.S.-China passenger flights by Chinese carriers that are currently authorized by the Department. The Department reiterates that, pursuant to the terms of our previous Orders and Notices in this Docket, the schedules for these twenty-four (24) weekly flights may not be modified unless expressly authorized by the Department.

weekly round-trip scheduled passenger operations to be operated by the above captioned Chinese carriers in accordance with the schedules filed pursuant to Order 2020-5-4;

2. For the services specified in ordering paragraphs 1 and 2, we direct Air China Limited d/b/a Air China; Beijing Capital Airlines Co., Ltd.; China Eastern Airlines Corporation Limited; China Southern Airlines Company Limited; Hainan Airlines Holding Co. Ltd.; Sichuan Airlines Co., Ltd.; and Xiamen Airlines, as appropriate, to file proposed schedules in Docket DOT-OST-2020-0052 for Department consideration;²

3. We may amend, modify, or revoke this Order at any time and without hearing; and

4. We will serve this Order on Air China Limited d/b/a Air China; Beijing Capital Airlines Co., Ltd.; China Eastern Airlines Corporation Limited; China Southern Airlines Company Limited; Hainan Airlines Holding Co. Ltd.; Sichuan Airlines Co., Ltd.; and Xiamen Airlines; all certificated U.S. carriers operating large aircraft; the Embassy of the People's Republic of China in Washington, D.C.; the Civil Aviation Administration of China (CAAC); the Department of State; the Transportation Security Administration; and the Federal Aviation Administration.

By:

Carol A. (Annie) Petsonk
Assistant Secretary
Aviation and International Affairs

(SEAL)

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² The Department intends to continue to take separate actions to explicitly specify the schedules for the services that we will approve.