

**BEFORE THE  
U.S. DEPARTMENT OF TRANSPORTATION  
WASHINGTON, DC**

\_\_\_\_\_ )  
**Application of** )

**NORWEGIAN AIR INTERNATIONAL** )  
**LIMITED** )

**for an exemption under 49 U.S.C. § 40109** )  
**and a foreign air carrier permit pursuant to** )  
**49 U.S.C. § 41301 (US-EU Open Skies)** )  
\_\_\_\_\_ )

**Docket No. OST-2013-0204**

**JOINT SUBMISSION OF  
THE ASSOCIATION OF FLIGHT ATTENDANTS-CWA,  
THE INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE  
WORKERS AND  
THE TRANSPORT WORKERS UNION OF AMERICA  
TO THE U.S. DEPARTMENT OF TRANSPORTATION'S  
AUGUST 4 NOTICE**

The Association of Flight Attendants-CWA (AFA) is a labor union that represents 60,000 flight attendants at 19 airlines. The International Association of Machinists and Aerospace Workers (IAM) is a labor union representing workers at 17 airlines and 720,000 members across an array of industries. The Transport Workers Union of America (TWU) represents over 200,000 workers and retirees, including employees at 24 airlines.

The AFA, IAM and TWU submit this joint statement to articulate our unions' shared opposition to the application of Norwegian Air International (NAI) for a foreign air carrier permit and exemption (Docket: DOT-OST-2013-0204). We call on the U.S. Department of Transportation (DOT) to deny NAI's application for an exemption so that the proper evaluation and adjudication processes can be completed.

On August 18, 2014, the European Transport Workers' Federation (ETF) and the Transportation Trades Department, AFL-CIO (TTD), submitted comments to this docket in opposition to the NAI application. AFA, IAM and TWU are affiliated members of the Transportation Trades Department and we associate our unions with the statement submitted by ETF and TTD.

Article 17 bis of the U.S.-E.U. Air Transport Agreement (ATA), which covers labor protections, is central to the debate over NAI's application and to any future implementation of the U.S.-E.U. ATA. Article 17 bis was adopted as part of the Second Stage negotiations which concluded in

2010, and states that “the opportunities created by the Agreement are not intended to undermine labour standards or the labour-related rights and principles contained in the Parties’ respective laws.” NAI has taken advantage of an opportunity created by the ATA by establishing itself in Ireland, something that, as a Norwegian-owned company, it could not do but for the ATA. We believe that the evidence and arguments surrounding NAI’s application show that the application would in fact undermine labor standards and labor-related rights, and is therefore in violation of Article 17 bis.

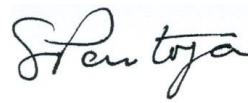
As air transport agreements become more complex and interconnected, strong labor provisions such as Article 17 bis will become increasingly critical – as will the effective enforcement of these provisions. The U.S. aviation industry is a pillar of our economy and an important middle class job creator. Bilateral air transport agreements have enjoyed wide support in this country because they have successfully fostered increased competition while providing greater opportunities for U.S. airlines and their workers. This success is dependent on the implementation and enforcement of agreements that promote balanced competition and business practices that encourage growth and high labor standards.

The treatment of this important labor protection article is central to the debate over NAI’s application and to the continued successful implementation of the U.S.-E.U. ATA. We are far from alone in our opposition. Other stakeholders, including U.S. and European air carriers and labor groups on both sides of the Atlantic, have called for the strong enforcement of this important provision. In June, the U.S. House of Representatives unanimously approved an amendment to the FY 2015 Transportation, Housing and Urban Development Appropriations Act which stated that no funds shall be used to grant a foreign air carrier application that violates Article 17 bis.

We ask that DOT take the appropriate steps to fully enforce Article 17 bis by denying NAI’s application for an air carrier permit. We also ask that DOT deny NAI’s application for an exemption so that the formal consultation and adjudication process can proceed uninhibited. Thank you for your consideration.



Sara Nelson  
President  
Association of Flight Attendants-CWA



Sito Pantoja  
General Vice President  
International Association of Machinists and  
Aerospace Workers



Harry Lombardo  
President  
Transport Workers Union of America

## CERTIFICATE OF SERVICE

We certify that we have, on this 18<sup>th</sup> day of August, 2014, served the foregoing document on the persons identified below by causing a copy to be sent by electronic mail:

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