

## **MODEL AIR COMMERCE ACT**

AN ACT to provide for the economic regulation of civil aviation in [STATE], and for other purposes incidental thereto.

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## TITLE I -- GENERAL PROVISIONS

### § 101. SHORT TITLE.

This Act may be cited as the "Air Commerce Act of [YEAR ENACTED]."

### § 102. DEFINITIONS.

(a) [STATE]—The term [STATE] in this Act means the land and water territory of [STATE], extending to the outer limits of the territorial sea, and the superjacent air space.

(b) The following definitions apply to these words where they are used in this Act--

- (1) "aeronautics" means the science and art of flight.
- (2) "air carrier" means a citizen of [STATE] undertaking, by any means, directly or indirectly, to provide air transportation.
- (3) "air commerce" means domestic air commerce or foreign air commerce.
- (4) "air transportation" means domestic air transportation or foreign air transportation.
- (5) "aircraft" means any contrivance invented, used, or designed to navigate, or fly in, the air.
- (6) "airport" means a landing area used regularly by aircraft for receiving or discharging passengers or cargo.
- (7) "cargo" means property (except passenger baggage), mail, or both.
- (8) "citizen of [STATE]" means—
  - (A) an individual who is a citizen of [STATE];
  - (B) a partnership each of whose partners is an individual who is a citizen of [STATE];
  - (C) a corporation or association created or organized and authorized under the laws of [STATE] of which the president and

at least [NUMBER IN PERCENTAGE] of the board of directors and other managing officers are citizens of [STATE], and in which at least [NUMBER IN PERCENTAGE] of the voting interest is owned or controlled by persons that are citizens of [STATE].

(9) “civil aircraft” means any aircraft other than a state or public aircraft.

(10) “civil aircraft of [STATE]” means an aircraft registered under the applicable laws of [STATE].

(11) “domestic air commerce” means the transportation of passengers or property by aircraft for compensation, the transportation of mail, or the operation of aircraft in furthering a business or vocation –

(A) between any two places within [STATE]; and

(B) when any part of the transportation or operation is by aircraft.

(12) “domestic air transportation” means engaging in domestic air commerce as a common carrier.

(13) “foreign air carrier” means a person, not a citizen of [STATE], undertaking by any means, directly or indirectly, to provide foreign air transportation.

(14) “foreign air commerce” means the transportation of passengers or property for compensation, the transportation of mail, or the operation of aircraft in furthering a business or vocation—

(A) between a place in [STATE] and a place outside [STATE]; and

(B) when any part of the transportation or operation is by aircraft.

(15) “foreign air transportation” means engaging in foreign air commerce as a common carrier.

(16) “mail” means [STATE] mail and foreign transit mail.

(17) “Minister” means the minister responsible for civil air transport.

(18) “navigable airspace” means airspace above the minimum altitudes of flight prescribed by pertinent International Civil Aviation Organization (ICAO) regulations, including airspace needed to ensure safety in the

takeoff and landing of aircraft.

(19) “navigate aircraft” and “navigation of aircraft” include piloting aircraft.

(20) “person” includes individuals, corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as government authorities, trustees, receivers, assignees, and other similar representatives.

(21) “price” means a rate, fare, or charge for air transportation of passengers, baggage, or property.

(22) “public aircraft”—

(A) means an aircraft—

(i) used only for [STATE] Government; or

(ii) owned and operated or exclusively leased (except for commercial purposes) by [STATE], including by a political subdivision thereof; but

(B) does not include a government-owned aircraft transporting passengers or property for commercial purposes.

## **TITLE II – ORGANIZATION OF AUTHORITY**

### § 201. PURPOSE.

(a) Statement of purpose—The national objectives of general welfare, economic growth and stability, and security of [STATE] require the development of transportation policies and programs that contribute to providing safe, efficient, and convenient transportation at the lowest cost consistent with those and other national objectives, including the efficient use and conservation of the resources of [STATE].

(b) It is the intent of this Act to—

- (1) ensure the coordinated and effective administration of its civil transportation programs;
- (2) make easier the development and improvement of coordinated transportation among different modes of transportation;
- (3) encourage cooperation of national, local, and other interested parties to achieve transportation objectives;
- (4) provide general leadership in identifying and solving transportation problems;
- (5) develop transportation objectives to meet the needs of the public, users, carriers, industry, labor and other interested parties; and
- (6) set ministerial-level responsibilities for economic regulation.

### § 202. RESPONSIBILITIES OF MINISTER.

The Minister shall—

- (a) under the direction of the [HEAD OF STATE/GOVERNMENT], exercise leadership in all air transportation matters;
- (b) provide leadership in the development of air transportation policies and programs, and make recommendations to the [HEAD OF STATE/GOVERNMENT] and [LEGISLATIVE BODY/BODIES] for their consideration and implementation;
- (c) coordinate national policy on intermodal transportation and initiate policies

to promote efficient intermodal transportation in [STATE];

(d) promote and undertake the development, collection, and dissemination of technological, statistical, economic, and other information relevant to domestic and international transportation; and

(e) carry out other duties prescribed by the [HEAD OF STATE/GOVERNMENT] and [LEGISLATIVE BODY/BODIES].

### § 203. POLICY STATEMENTS.

In carrying out this Act, the Minister shall, while assigning and maintaining safety as the highest priority in air commerce, consider the following matters, among others, as being in the public interest:

(a) promoting the availability of a variety of adequate, economic, efficient, and low-priced services without unreasonable discrimination or unfair or deceptive practices.

(b) encouraging fair wages and working conditions.

(c) encouraging, developing, and maintaining an air transportation system relying on actual and potential competitive market forces --

(1) to provide the needed air commerce services;

(2) to encourage efficient, innovative, competitive and well managed air carriers to earn adequate profits and attract capital; and

(3) to determine the variety and quality of, and prices for, air transportation services.

(d) developing and maintaining a sound and transparent regulatory system that is responsive to the needs of the public.

(e) encouraging the development of an economically viable air transportation network in [STATE] to foster internal as well as regional economic development.

(f) preventing unfair, deceptive, or anticompetitive practices in domestic and foreign air transportation.

(g) encouraging entry into air transportation markets by new and existing air carriers to promote a more effective and competitive airline industry.

(h) encouraging intermodal services partly by air, including business arrangements and facilities that will increase efficiency, convenience and lower costs for consumers.

### **TITLE III – ADMINISTRATIVE PROVISIONS**

#### **§ 301. SOVEREIGNTY.**

The Government of [STATE] has exclusive sovereignty over the airspace of [STATE].

#### **§ 302. ADMINISTRATIVE.**

(a) The Minister may take action that the Minister considers necessary to carry out this Act, including conducting investigations; prescribing regulations, standards, and procedures; and issuing orders, and may take steps necessary to ensure compliance and to penalize non-compliance with such action.

(b) The Minister may delegate the duties and powers of the Minister to any subordinate of the Minister.

#### **§ 303. TRANSPARENCY.**

(a) Written reports—

(1) Except as provided in this Act, the Minister shall make a written record of each decision, proceeding, and investigation under this Act and shall provide a copy to each party to the proceeding or investigation. The record shall include the decision, conclusions, order, and requirements of the Minister.

(2) The Minister shall have all reports, orders, decisions, and regulations published promptly in the form and way best adapted for public use.

(b) Public records—Unless stated otherwise, copies of applications, complaints, petitions, responsive pleadings, tariffs and other matters filed with the Minister under the Act, and the statistics, tables, and figures contained in reports made to the Minister thereunder, are public records.

#### **§ 304. INTERNATIONAL NEGOTIATIONS, AGREEMENTS, AND OBLIGATIONS.**

(a) Advice and consultation—

(1) The [STATE] Minister responsible for foreign affairs shall advise the Minister responsible for civil air transport and the official responsible for aviation safety and other concerned agencies, and consult with them as

appropriate, about negotiations for an agreement with a government of a foreign country to address air transportation.

(2) The Minister shall consult with the minister responsible for foreign affairs in carrying out this Act to the extent this Act is related to foreign air commerce.

(b) Actions of the Minister—In carrying out this Act, the Minister shall act consistently with obligations of [STATE] under international agreements and shall consider applicable laws and requirements of foreign countries.

#### § 305. REPORTS AND RECORDS OF CARRIERS.

(a) Reports—

(1) Application—To the extent the Minister finds necessary to carry out this Act, this section applies to a person controlling an air carrier or foreign air carrier, or affiliated with an air carrier or foreign air carrier.

(2) Requirements—The Minister may require an air carrier or foreign air carrier—

(A) to file annual, monthly, periodical, and special reports with the Minister under oath and in the form and way prescribed by the Minister;

(B) to provide specific answers to questions on which the Minister considers information to be necessary; and

(C) to file with the Minister a copy of each agreement, arrangement, contract, or understanding between the carrier and another carrier or person related to transportation affected by this Act.

(b) Records of carriers—

(1) Requirements—The Minister shall prescribe the form of records to be kept by air carriers and foreign air carriers, including records on the movement of traffic, and the time period during which the records shall be kept. A carrier may keep additional records if the additional records do not impair the integrity of the records prescribed or approved by the Minister.

(2) Retention—Air carriers and foreign air carriers shall maintain complete records of their prices, rules, classifications and all conditions of carriage for air transportation for such period(s) as may be prescribed by the Minister, and shall make such records available upon request to the Minister for the purpose of ensuring compliance with the requirements of this title.

(3) Inspection—The Minister at any time may—

(A) inspect the land, buildings, and equipment of an air carrier or foreign air carrier when necessary to decide under this Act whether a carrier is fit, willing, and able;

(B) inspect records kept or required to be kept by an air carrier, foreign air carrier, or ticket agent; and

(C) employ special agents or auditors to carry out this subsection.

#### § 306. AIR CARRIER MANAGEMENT INQUIRY AND COOPERATION WITH OTHER AUTHORITIES.

The Minister may—

(a) inquire into the management of the business of an air carrier and obtain from the air carrier, and a person controlling, controlled by, or under common control with the carrier, information the Minister decides reasonably is necessary to carry out the inquiry; and

(b) exchange information related to aeronautics with a government of a foreign country through appropriate ministries, agencies, and instrumentalities of the Government of [STATE].

#### § 307. WITHHOLDING OF INFORMATION.

(a) A person may object to the public disclosure of information—

(1) in a record filed under this Act; or

(2) obtained under this Act by the Minister.

(b) An objection must be made in writing and must state the reasons for the objection. The Minister shall order the information withheld from public disclosure when the Minister decides that the disclosure of the information

would—

- (1) prejudice [STATE] in preparing and presenting its position in international negotiations or cooperative undertakings; or
- (2) have an adverse effect on the competitive position of an air carrier in foreign air transportation.

## **TITLE IV -- NATIONAL AIR CARRIER LICENSES**

### **§ 401. REQUIREMENT FOR A LICENSE.**

Except as provided in this Act, only an air carrier may provide air transportation, and it may do so only if the air carrier holds a license issued under this title authorizing the air transportation. An air carrier may hold a license under this Title only if the citizen complies with regulations, which the Minister shall issue, governing the filing of an insurance policy or a self-insurance plan approved by the Minister.

### **§ 402. NATIONAL AIR CARRIER LICENSE.**

(a) Issuance—The Minister may issue a license to a citizen of [STATE], authorizing the citizen to provide air transportation as an air carrier, in accordance with this Act.

(b) Findings required for issuance—

(1) Before issuing a license under subsection (a) of this section, the Minister must find that the citizen is fit, willing, and able to provide the transportation to be authorized by the license and to comply with this Act and regulations prescribed under this Act.

(2) Before issuing a license under subsection (a) of this section for foreign air transportation, the Minister must find, in addition to the findings under paragraph (1) of this subsection, that such transportation is in the public interest.

(c) Continuing fitness—To continue to hold a license issued under this section, an air carrier must continue to be fit, willing, and able to provide the air transportation authorized by the license and to comply with this Act and regulations prescribed under this Act.

### **§ 403. APPLICATION FOR ISSUANCE OF LICENSE.**

(a) Form, contents, and proof of service—To be issued a license for air transportation under section 402 of this title, a citizen of [STATE] must apply to the Minister. The application must—

(1) be in the form and contain information required by regulation; and

(2) be accompanied by proof of service on interested persons as required

by regulation.

(b) Fitness—A citizen applying for a license must show that it is fit, willing, and able to provide the air transportation referred to in section 402 of this title and to comply with this Act.

#### § 404. NOTICE, RESPONSE, AND ACTION ON APPLICATIONS.

(a) When an application is filed, the Minister shall post a notice of the application in the appropriate office of the Ministry and in the official gazette, and shall give notice of the application to other persons as required by regulation.

(b) Not later than [NUMBER] days after an application is filed, an interested person may file a response with the Minister, opposing or supporting the issuance of the license or its terms, as provided by regulation. A person opposing an application for a license under section 402(b)(2) of this title must show that the transportation referred to is not in the public interest. Such transportation is deemed to be in the public interest unless the Minister finds, based on the record, that the transportation is not in the public interest.

(c) After an opportunity for public comment as provided in subsection (b) of this section, the Minister shall take one of the following actions:

(1) institute a proceeding under subsection (d) of this section to consider the application on its merits; or

(2) dismiss the application for failure to comply with applicable regulations.

(d) If a proceeding is instituted pursuant to subsection (c)(1) of this section, it shall be processed in a timely and transparent manner, according to regulations that the Minister shall prescribe. The procedures may employ written submissions, oral evidence, or both, and may use a preliminary finder of fact such as a hearing examiner or an Administrative Law Judge. All procedures, however, shall:

(1) provide reasonable opportunity for interested parties to respond to the application and to any properly submitted comments;

(2) provide reasonable opportunity to comment on a tentative or preliminary decision or to seek the Minister's review of a final decision;

- (3) set reasonable deadlines for completion of procedural steps; and
- (4) be conducted in an open forum, with decisions based on the record.

(e) Procedural schedule—

(1) If an applicant for a license does not meet the procedural schedule established under this title or adopted by the Minister in a proceeding, the Minister may extend the periods for acting under subsection (d) of this section by a period equal to the period of delay caused by the applicant.

(2) An applicant may waive a deadline otherwise binding on the Minister, and the Minister may waive a deadline otherwise binding on the applicant.

§ 405. TERMS OF LICENSE.

(a) Each license issued under section 402 of this title shall specify the type of transportation to be provided (scheduled/charter, passenger/cargo/combination, domestic/foreign, or other types or classifications) and, to the degree necessary, the geographic scope of the authority.

(b) The Minister shall prescribe the duration of the license, whether fixed or indefinite, and such terms and conditions of the license that are in the public interest. If issuing a license for a fixed duration, the Minister shall indicate the reasons why the duration was limited.

(c) A license authorizing scheduled air transportation of passengers authorizes the holder to provide, under applicable regulations, passenger or cargo charter trips or other special services, separately or in combination with its scheduled services, without regard to the places named in its license.

(d) A license authorizing scheduled air transportation of cargo authorizes the holder to provide, under applicable regulations, cargo charter trips or other special services, separately or in combination with its scheduled services, without regard to the places named in its license.

§ 406. EFFECTIVE PERIODS, MODIFICATIONS, SUSPENSIONS, AND REVOCATIONS OF LICENSES.

(a) Each license issued under section 402 of this title is effective from the date specified in it and remains in effect until—

- (1) the Minister suspends or revokes the license under this section; or
- (2) the license expires by its terms, except that if the license holder properly and timely files a renewal application, its authority shall continue in effect until a final decision on the application is issued.

(b) On application or on the initiative of the Minister, the Minister may modify, suspend, or revoke any part of a license if, pursuant to the procedures under section 404 of this title, the Minister finds such action is in the public interest.

#### § 407. TRANSFER OF LICENSE.

A license issued under section 402 of this title may be transferred only when the Minister approves the transfer as being in the public interest. An application for transfer of a license, in whole or in part, shall, except as provided by order or regulation, undergo the same process as an application for a new license conferring the same authority.

## **TITLE V – FOREIGN AIR CARRIER LICENSES**

### § 501. REQUIREMENT FOR A LICENSE.

A foreign air carrier may provide foreign air transportation only if the foreign air carrier holds a license issued under this title authorizing the foreign air transportation. A foreign air carrier may hold a license under this Title only if it complies with regulations, which the Minister shall issue, governing the filing of an insurance policy or a self-insurance plan approved by the Minister.

### § 502. FOREIGN AIR CARRIER LICENSE.

The Minister may issue a license to a person (except a citizen of [STATE]) authorizing the person to provide foreign air transportation as a foreign air carrier if the Minister finds that—

(a) the person is fit, willing, and able to provide the foreign air transportation to be authorized by the license and to comply with this Act and regulations prescribed under this Act; and

(b)(1) the person is qualified, and has been designated by the government of its country, to provide the foreign air transportation under an agreement with the [STATE]; or

(2) the foreign air transportation to be provided under the license is in the public interest.

### § 503. APPLICATION FOR ISSUANCE OF LICENSE.

A person must apply in writing to the Minister to be issued a license under section 502 of this title. The Minister shall prescribe procedural regulations similar to those under sections 403(a) and 404.

### § 504. TERMS OF LICENSE.

(a) Each license issued under section 502 of this title shall specify the type of transportation to be provided (scheduled/charter, passenger/cargo/combination, or other types or classifications) and, to the degree necessary, the geographic scope of the authority.

(b) The Minister shall prescribe the duration of the license, whether fixed or indefinite, and such terms and conditions of the license that are in the public

interest. If issuing a license for a fixed duration, the Minister shall indicate the reasons why the duration was limited.

§ 505. EFFECTIVE PERIODS, MODIFICATIONS, SUSPENSIONS, AND REVOCATIONS OF LICENSES.

(a) Each license issued under section 502 of this title is effective from the date specified in it and remains in effect until—

(1) the Minister suspends or revokes the license under this section; or

(2) the license expires by its terms, except that if the license holder properly and timely files a renewal application, its authority shall continue in effect until a final decision on the application is issued.

(b) On application or on the initiative of the Minister, the Minister may modify, suspend, or revoke any part of a license if, pursuant to the procedures under section 404 of this title, the Minister finds such action is in the public interest.

(c) Summary suspension and restriction—Subject to the approval of the [HEAD OF STATE/GOVERNMENT], the Minister—

(1) may suspend summarily the licenses of foreign air carriers of a foreign country, or modify, or limit the operations of the foreign air carriers under the licenses, when the Minister finds –

(A) the action is in the public interest; and

(B) the government, an aeronautical authority, or a foreign air carrier of the foreign country, over the objection of [STATE] Government, has—

(i) limited or denied the operating rights of an air carrier; or

(ii) engaged in unfair, discriminatory, or restrictive practices that have a substantial adverse competitive impact on an air carrier related to air transportation to, from, through, or over the territory of the foreign country; and

(2) to make this subsection effective, may restrict operations between [STATE] and the foreign country by a foreign air carrier of a third country.

§ 506. TRANSFER OF LICENSE.

A license issued under section 502 of this title may be transferred only when the Minister approves the transfer as being in the public interest. An application for transfer of a license, in whole or in part, shall, except as provided by order or regulation, undergo the same process as an application for a new license conferring the same authority.

## **TITLE VI -- PRICING**

### **§ 601. ESTABLISHING PRICES, CLASSIFICATIONS, RULES, AND PRACTICES FOR AIR TRANSPORTATION.**

Every air carrier and foreign air carrier shall establish—

- (a) prices, classifications, rules, and practices related to air transportation that are not unreasonably discriminatory or deceptive, and that do not constitute an unfair method of competition; and
- (b) prices that are not unreasonably high or restrictive due to the abuse of a dominant position or market power; and
- (c) for any joint prices established for air transportation, divisions of those prices among the participating carriers without unreasonable discrimination among them.

### **§ 602. ESTABLISHING JOINT PRICES FOR THROUGH SERVICES WITH SURFACE COMMON CARRIERS.**

- (a) An air carrier may establish joint prices and through service with any surface common carrier.
- (b) A foreign air carrier may establish joint prices and through services in foreign air transportation with any surface common carrier, to the extent permitted by regulation.

### **§ 603. NOTICE OF PRICES, CLASSIFICATIONS, RULES AND PRACTICES FOR AIR TRANSPORTATION**

- (a) The Minister shall adopt regulations providing for the disclosure by air carriers and foreign air carriers of their prices, classifications, rules and practices for air transportation, including one or both of the following means—
  - (1) **Tariff filing**—to the extent, and in the way prescribed by regulation, carriers shall file tariffs with the Minister and shall publish and make such tariffs available to the public for inspection, showing the prices, classifications, rules and practices for the air transportation of passengers, baggage, and cargo (except mail) provided between places served by the air carriers or foreign air carriers, and between places served by another

air carrier or foreign air carrier with which through service and joint prices have been established.

(A) Changes in tariffs—The Minister shall establish uniform regulations governing changes in tariff provisions, subject to such conditions as the Minister may deem necessary to notify the public of any proposed change.

(B) Rejection—The Minister may reject a tariff or tariff change that is not consistent with this section and regulations prescribed by the Minister. A tariff or change that is rejected is void.

(2) Direct notice—to the extent, and in the way prescribed by regulation, carriers shall provide public disclosure through direct notice to consumers of any prices, classifications, rules and practices, including any terms permitted to be incorporated by reference in the contract of carriage.

#### § 604. AUTHORITY OF MINISTER TO DISAPPROVE.

(a) On the initiative of the Minister or on a complaint filed with the Ministry, the Minister may investigate whether a price for air transportation of an air carrier or foreign air carrier, a classification, rule, or practice affecting that price, or the value of the transportation provided under that price, is or will be contrary to sections 601 and 603 of this title. The Minister may begin the investigation at once and without an answer or another formal pleading by the air carrier or foreign air carrier, but only after reasonable notice. If, after the investigation, the Minister decides that the price, classification, rule, or practice is or will be contrary to sections 601 and 603 of this Act, the Minister may disapprove and prevent the use of the price, classification, rule or practice.

(b) In addition, in the case of a foreign air carrier, the Minister may disapprove and prevent the use of a price, classification, rule, or practice when the Minister decides that such action is in the public interest.

#### § 605. SPECIAL PRICES FOR AIR TRANSPORTATION.

This title does not prohibit an air carrier or foreign air carrier from issuing or interchanging tickets or passes for free or reduced-price air transportation.

## TITLE VII -- NAVIGATION OF FOREIGN CIVIL AIRCRAFT

### § 701. NAVIGATION OF FOREIGN CIVIL AIRCRAFT.

(a) Permitted navigation—Except pursuant to title V, a foreign aircraft, not part of the armed forces of a foreign country, may be navigated in [STATE] only—

- (1) if the country of registry grants a similar privilege to aircraft of [STATE];
- (2) by an airman, as defined in [CITE TO SAFETY STATUTE] holding a certificate or license issued or made valid by the Government of [STATE] or the country of registry;
- (3) if the Minister authorizes the navigation; and
- (4) if the navigation is consistent with terms the Minister may prescribe.

(b) Requirements for authorizing navigation—The Minister may authorize navigation under this section only if the Minister decides that the authorization is—

- (1) in the public interest; and
- (2) consistent with any applicable agreements between the Government of [STATE] and the government of a foreign country.

(c) Providing air commerce—The Minister may authorize an aircraft permitted to navigate in [STATE] under this section to provide air commerce in [STATE]. However, the aircraft may take on for compensation, at a place in [STATE], passengers or cargo destined for another place in [STATE] only if specifically authorized under section 801 of this title.

## **TITLE VIII -- MISCELLANEOUS**

### **§ 801. AUTHORITY TO EXEMPT.**

(a) Scope of authority—The Minister, by order or by regulation, may exempt any person or class of persons from requirements of this Act or from requirements of any order, rule or regulation prescribed under this Act when the Minister decides that the exemption is in the public interest. The Minister may impose on such exemption authority terms, conditions and limitations in the public interest.

(b) Effectiveness—The exemption is effective to the extent and for periods that the Minister decides are in the public interest.

### **§ 802. UNFAIR AND DECEPTIVE PRACTICES AND UNFAIR METHODS OF COMPETITION.**

On the initiative of the Minister or the complaint of an air carrier, foreign air carrier, or ticket agent, and if the Minister considers it is in the public interest, the Minister may investigate and decide whether an air carrier, foreign air carrier, or ticket agent has been or is engaged in an unfair or deceptive practice or an unfair method of competition in air transportation or the sale of air transportation. If the Minister finds that an air carrier, foreign air carrier, or ticket agent is engaged in an unfair or deceptive practice or unfair method of competition, the Minister shall order the air carrier, foreign air carrier, or ticket agent to stop the practice or method.

### **§ 803. REVIEW OF CERTAIN FOREIGN PRACTICES.**

(a) The Minister may take actions the Minister considers are in the public interest to eliminate an activity of a government of a foreign country or another foreign entity, including a foreign air carrier, when the Minister, on the initiative of the Minister or on complaint, decides that the activity—

(1) is an unjustifiable or unreasonably discriminatory or anticompetitive practice against an air carrier; or

(2) imposes an unjustifiable or unreasonable restriction on access of an air carrier to a foreign market.

(b) The Minister may deny, modify, suspend, revoke or transfer under subsection (a) of this section a foreign air carrier license, application, or tariff under this Act.

(c) The Minister shall by regulation establish procedures for the filing of, and acting on, complaints under subsection (b), taking into account—

(1) the desirability of soliciting the views of the other branches of the [STATE] government; and

(2) the desirability of giving an affected air carrier or foreign air carrier reasonable notice and an opportunity to submit written evidence and arguments.

#### § 804. CARRIAGE OF MAIL.

(a) The Minister, in consultation with [STATE] postal authorities and other agencies, as appropriate, shall adopt regulations, consistent with the public interest, governing the carriage of mail in air transportation, including, to the extent necessary, the system of compensation for such carriage.

(b) The Minister shall authorize an air carrier already authorized to provide foreign air transportation to handle and transport mail of countries other than [STATE].

#### § 805. REVIEW OF MINISTER'S ACTION.

(a) Filing and venue—A person disclosing a substantial interest in an order issued by the Minister under this Act may apply for review of the order by filing a petition for review in [NAME OF THE ENTITY HAVING JURISDICTION]. The petition must be filed not later than [NUMBER DAYS] after the order is issued. The court may allow the petition to be filed after the [NUMBER] day only if there are reasonable grounds for not filing by the [NUMBER] day.

(b) Review procedure—When a petition is filed under subsection (a) of this section, the [REVIEWING ENTITY] immediately shall send a copy of the petition to the Minister. The Minister shall file with the [REVIEWING ENTITY] of record of any proceeding in which the order was issued.

(c) Authority of [REVIEWING ENTITY]—When the petition is sent to the Minister, the [REVIEWING ENTITY] has exclusive jurisdiction to affirm, modify, or set aside any part of the order and may order the Minister to conduct further proceedings. After reasonable notice to the Minister, the [REVIEWING ENTITY] may grant interim relief by staying the order or taking other appropriate action when good cause for its action exists.

(d) Requirement for prior objection—In reviewing an order under this section, the [REVIEWING ENTITY] may consider an objection to an order of the Minister

only if the objection was made in the proceeding conducted by the Minister or if there was a reasonable ground for not making the objection in the proceeding.