



United States
Department of
Agriculture

Farm and Foreign
Agricultural
Services

Foreign
Agricultural
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Subject: Fly America Act and the European Union (EU) Open Skies Agreement

Effective Date: Immediately

To: All Program Participants

Background: The Fly America Act, codified in 1978, required that all air travel funded by the U.S. government use "U.S. flag" airlines, with few exceptions. Individuals required to follow this act included U.S. government employees, their dependents, consultants, contractors, grantees and others, including program participants.

The U.S. government is systematically replacing the Fly America Act with Air Transport Agreements, also known as Open Skies Agreements.

On April 30, 2007, the United States- European Union Air Transport Agreement was signed, providing airlines of the European Union Community and its Member States* the right to transport passengers and cargo on scheduled and charter flights for which payment is made by a U.S. Government civilian department, agency or instrumentality, subject to certain restrictions. On June 24, 2010, the United States and the EU amended this agreement and extended certain rights to EU airlines.

Under the amended agreement the following applies:

1. EU airlines have the right to transport passengers and cargo on scheduled and charter flights for which payment is made by the U.S. government and the transportation applies to:
 - a) Both passengers and cargo, between any points outside the United States;
 - b) Passengers and cargo, between any point in the United States and any point outside the United States;
 - c) Civilian agency-funded passengers traveling between any point in the United States and any point outside the United States that the EU airline is authorized to serve under the EU Open Skies Agreement.
2. The amended agreement states that EU airlines are no longer limited to flying passengers between points in the United States and points in the European Union. This is expanded to include all world-wide points where the EU carrier is authorized to fly.

For specific examples of applying these rules, please go to the following website:

<http://www.gsa.gov/graphics/ogp/FTRBulletin11-02USEUOpenSkies.PDF>

Note: The examples provided by GSA are not exhaustive.

Policy: Program funding may be used to fund air travel of private sector participants on EU airlines, regardless of whether there is an American owned airline with similar routes available to and from their destination. Determination of eligibility for reimbursement when an EU airline is involved in a code share relationship with a non-EU carrier will be based on the code included in the flight number.

/s/

Mark Slupek
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*Member States of the EU: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxemburg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom