

BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.

Agreements Adopted by the Traffic  
Conferences of the International Air  
Transport Association

Docket OST-01-

APPLICATION FOR APPROVAL OF AGREEMENTS  
BY THE  
INTERNATIONAL AIR TRANSPORT ASSOCIATION

11 January 2001

Communications with respect to  
this document should be sent to:

David M. O'Connor  
Director, External Relations - United States  
International Air Transport Association  
1776 K St. N.W. Suite 400  
Washington, D.C. 20006

(202) 293-9292

Summary	DOCKET: <b>OST-00-</b>	DOT ORDER: <b>pending</b>
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Date: 11 January 2001  
 Filing fee/IATA Acct: \$122 - 2000-32  
 US/UST involved: Yes  
 End of Government Filing Period: 18 January 2001  
 Intended effective date: **25 January 2001**  
 Agreement: **PTC12 USA-EUR 0110** dated 12 January 2001  
 Mail Vote 102 - Resolutions 072ss and 075ss  
 Excursion Fares from Europe to USA  
 APEX Fares from Europe to USA

### **APPLICATION FOR APPROVAL OF AGREEMENT**

Pursuant to statements submitted by Member airlines of the International Air Transport Association (IATA), the undersigned has been constituted to be their attorney-in-fact for filing with the Department of Transportation copies of agreements adopted by the IATA Traffic Conferences.

On their behalf, and pursuant to Sections 41308 and 41309 of Title 49 of the United States Code and Parts 303.03, 303.05 and 303.30(c) of Title 14 of the Code of Federal Regulations, I am filing with the Department this application for approval of an IATA agreement.

This agreement and related factual and explanatory material and documentation required by 14 C.F.R. 303.31 and Department and Civil Aeronautics Board (CAB) precedent are contained in the IATA Traffic Conference documentation summarized above.

This agreement arises from the continuing process of Tariff Coordinating Conferences and was developed in the context of prior Department and CAB rulings addressing related resolutions which reflected regulatory and market conditions then in effect. Thus, the present agreement should be viewed as part of a dynamic process of IATA Member airline adjustment to governmental and economic factors.

On previous occasions, the Department has found such agreements to be consistent with the public interest when they do not result in fares or rates that are unlawful or injurious to competition in the markets at issue. Approval of the present agreement would not yield fares or rates that are unlawful or injurious to competition. Moreover, approval of this agreement, which reflects compromises among the differing economic and social philosophies of the many nations whose airlines are parties, will advance the public interest in maintaining good aviation relations with other countries.

We request early approval by the Department of the foregoing agreement, pursuant to 49 U.S.C. 41309, and the grant of full antitrust immunity, pursuant to 49 U.S.C. 41308.

The conferral of full antitrust immunity would be in the public interest and necessary for the transaction to proceed. This agreement is a product of the IATA Tariff Coordinating Conferences which the Department found to be anticompetitive but nevertheless approved and immunized in Order 85-5-32 (May 6, 1985) on foreign policy and comity grounds because such action is necessary to achieve the serious transportation need of maintaining good aviation relations with other countries and these benefits are not obtainable by reasonably available means having materially less anticompetitive effects.

Insofar as this agreement concerns fares or rates between non-U.S. points, in which respect they have at most indirect application in foreign air transportation, the U.S. authorities have recognized (e.g, Order 79-8-194, 30 August 1979) that the interests of other sovereign nations in the conditions governing air transportation between them greatly exceed any that the U.S. might have by reason of U.S. airline, citizen or shipper participation. This agreement is not adverse to the public interest or in violation of the Act and, therefore, full immunity should be granted.

Respectfully submitted:

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David M. O'Connor  
Director, External Relations - United States  
International Air Transport Association  
Attorney-in-fact

**CERTIFICATE OF SERVICE**

A copy of this application or a summary notice thereof has been served by first class or priority mail on the following persons:

Chief, Transportation, Energy  
& Agriculture Section  
Antitrust Division  
Department of Justice  
Washington D.C. 20530

Donald L. Pevsner  
1765 East Riviera Drive  
Merritt Island, FL 32952  
(upon request)

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David M. O'Connor

11 January 2001  
Date Served



**International Air Transport Association**

IATA Centre, Route de l'Aéroport 33  
P.O. Box 416  
CH-1215 Geneva 15 Airport  
Switzerland

12 January 2001

**M E M O R A N D U M**

PTC12 USA-EUR 0110

TO: Members Participating in Tariff Coordinating Conferences (SP-1216)

FROM: Director, Interline and Revenue Management Services

SUBJECT: **Mail Vote 102** - TC12 North Atlantic USA-Europe (except Austria, Belgium, Germany, Italy, Netherlands, Scandinavia, Switzerland)  
Resolutions 072ss Excursion Fares from Europe to USA  
Resolution 075ss APEX Fares from Europe to USA  
Intended Effective Date: 25 January 2001

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**VOTING RESULT - AFFIRMATIVE**

This confirms message TE644 of 9 January 2001 which declared the above mentioned Mail Vote adopted as circulated by TE633 dated 14 December 2000 and amended by TE643 dated 5 January 2000.

The filing period for the attached Resolution(s) ends **18 January 2001**. Members are reminded of their obligations under Resolutions 001 and 006 to advise this Office by the end of the filing period whether approval by their Government authorities is required and, if so, to accomplish the necessary filing formalities. The effective date will be declared in accordance with Resolutions 001 and 006, when all the known necessary Government approvals have been received.

As a result of Conference action an anomaly was created for certain special fares from Bosnia and Herzegovina, Croatia, Macedonia (FYROM), Slovenia and Yugoslavia to USA. Peak season APEX fares under Resolution 075ss were rendered higher than for corresponding all year Excursion fares under Resolution 072ss.

JAT requested this Mail Vote to correct this anomaly

Philip Djaferis  
Senior Manager,  
Interline and Revenue Management Service

**TC12 NORTH ATLANTIC  
EXCURSION FARES FROM EUROPE TO USA  
APEX FARES FROM EUROPE TO USA**

PTC12(Mail 102) <b>072ss</b>		(Amending)	
PTC12 (Mail 102) <b>075ss</b>			
Filing Period:	Begins: 10 January 2001	Intended Effectiveness:	25 January 2001
	Ends: 18 January 2001	Expiry:	31 October 2001
			Type: B

RESOLVED that, Resolutions 072ss and 075ss levels are amended as follows:

(Note- levels based on Memorandum PTC12 USA-EUR Fares 0051 which reflect increase adopted at Special Composite Meeting 8 - 9 November 2000)

FROM	TO	CURR	072ss MEE (NOTE)	075ss MHAP4M
BELGRADE (BEG)	NEW YORK (NYC)	USD	1440	1323
DUBROVNIK (DBV)			1432	1373
ZAGREB (ZAG)			1386	1323
SARAJEVO (SJJ)			1490	1400
SKOPJE (SKP)			1490	1333
LJUBLJANA (LJU)		SIT	296400	289300

NOTE - MEE FROM BEG  
MEE6M FROM DBV/ZAG/SJJ/SKP/LJU