

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

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

Docket OST-02-

APPLICATION FOR APPROVAL OF AGREEMENTS
BY THE
INTERNATIONAL AIR TRANSPORT ASSOCIATION

15 March 2002

Communications with respect to
this document should be sent to:

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

(202) 293-9292

Summary	DOCKET: OST-02-	DOT ORDER: pending
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Date: 15 March 2002

Filing fee/IATA Acct: \$183 - 2001-22

US/UST involved: No

End of Government Filing Period: 13 March 2001

Intended effective date: **15 March 2002**

Agreement: **PTC2 EUR-ME 0131** dated 12 March 2002

Mail Vote 209 - Resolution 010i

TC2 Europe-Middle East Special Passenger Amending Resolution r 1 - r 3

PTC2 EUR-ME 0132 dated 15 March 2002

Technical Correction to PTC2 EUR-ME 0131

r-1-010i

r-2--072d

r-3--070jj

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.

This agreement concerns fares or rates only between non-U.S. points and thus has at most indirect application in foreign air transportation. The U.S. authorities have recognized (e.g., Order 79-8-194, August 30, 1979) that the interests of 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 and should be granted full immunity.

Respectfully submitted:

David M. O'Connor
Director, Government & Industry Affairs - 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 person:

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

David M. O'Connor

15 March 2002
Date Served



International Air Transport Association

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

12 March 2002

M E M O R A N D U M

PTC2 EUR-ME 0131

TO: Members Participating in Tariff Coordinating Conferences (SP-1945)
FROM: Director, Interline and Revenue Management Services
SUBJECT: **Mail Vote 209** - Resolution 010i
TC2 Europe-Middle East Special Passenger Amending Resolution
Intended Effective Date: 1 April 2002

VOTING RESULT - AFFIRMATIVE

This confirms message TD347 of 7 March 2002 which declared the above mentioned Mail Vote adopted as circulated by TD344 dated 28 February 2002.

The filing period for the attached Resolution(s) ends **25 March 2002**. 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.

During the June 2001 Europe-Middle East Conference in discussion on a proposal from IY to decrease fares from Yemen by 31%, as a compromise the meeting agreed to amend fares from Yemen to reflect levels applicable from Abu Dhabi. Noting that seasonal excursion fares specified from Yemen under Resolution 070jj do not exist from Abu Dhabi, it was agreed that these fares would be decreased by 18%. It has now been identified that this formula has produced an anomaly to some points in Europe whereby the seasonal Resolution 070jj fares from Yemen to some points in Europe have become higher than the all year excursion fares specified under Resolution 072d. Yemenia proposes to re-establish the relationship and align with excursion fares from Yemen to the rest of Europe.

Philip Djaferis
Assistant Director,
Customer and External Relations
Interline and Revenue Management Services

**TC2 EUROPE-MIDDLE EAST
SPECIAL PASSENGER AMENDING RESOLUTION**

PTC2(Mail 209)010i

Filing Period:	Begins: 8 March 2002	Intended Effectiveness:	1 April 2002
	Ends: 25 March 2002	Expiry:	31 December 2002

Type: B

RESOLVED that, Attachments to Resolutions 072d and 070jj are amended as follows:

From Aden, Sanaa to Kiev, Minsk, Moscow, Riga, Tallinn, Vilnius, Yerevan:

Resolution 072d - MEE3M fares amended to equal 66% of applicable YRT.

Resolution 070jj - Peak MEE3M fares amended to equal 54% of applicable YRT.

Resolution 070jj - Basic MEE3M fares amended to equal 52% of applicable YRT.



International Air Transport Association

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

15 March 2002

M E M O R A N D U M

PTC2 EUR-ME 0132

TO: Members Participating in Tariff Coordinating Conferences (SP-1955)
FROM: Director, Interline and Revenue Management Services
SUBJECT: **Mail Vote 209** - Resolution 010i
TC2 Europe-Middle East Special Passenger Amending Resolution
Intended Effective Date: 15 March 2002

TECHNICAL CORRECTION

This confirms message TD348 of 12 March 2002.

TD348

TO MEMBERS PARTICIPATING IN PASSENGER TARIFF COORDINATING CONFERENCES

SUBJECT: MAIL VOTE 209, RESOLUTION 010i
TC2 EUROPE-MIDDLE EAST SPECIAL PASSENGER AMENDING RESOLUTION
CORRECTION TO INTENDED EFFECTIVE DATE

FOR MEMBERS INFORMATION, MAIL VOTE 209 WAS CIRCULATED BY CABLE TD344 DTD 28FEB02. THE INTENDED EFFECTIVE DATE WAS INCORRECTLY REFLECTED IN MSG TD347 DTD 07MAR02, CONFIRMED BY MEMORANDUM PTC2 EUR-ME 0131 DATED 12MAR02 WHICH ADOPTED THIS MAIL VOTE.

THE INTENDED EFFECTIVE DATE SHOULD READ **15 MARCH 2002**. MEMBERS SHOULD ADVISE THIS OFFICE OF THEIR GOVTS ACTION BY 13 MARCH 2002.

DJAFERIS, ASST. DIRECTOR, INTERLINE AND REVENUE MANAGEMENT SERVICES

Philip Djaferis
Assistant Director,
Customer and External Relations
Interline and Revenue Management Services