

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

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

Docket OST-00-

APPLICATION FOR APPROVAL OF AGREEMENTS
BY THE
INTERNATIONAL AIR TRANSPORT ASSOCIATION

23 May 2000

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: OST-00-	DOT ORDER: pending
---------	------------------------	---------------------------

Date: 23 May 2000
 Filing fee/IATA Acct: \$61 - 956/2000-76
 US/UST involved: No
 End of Government Filing Period: 22 June 2000
 Intended effective date: **1 July 2000**
 Agreement: **CTC COMP 0280** dated 23 May 2000
 Expedited Composite Resolution 506
 Special Surcharge Resolution from Japan
 (Except USA/US Territories)

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, 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)

David M. O'Connor

23 May 2000
Date Served



International Air Transport Association

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

23 May 2000

M E M O R A N D U M

CTC COMP 0280

TO: Members Participating in Tariff Coordinating Conferences (SC-0152)

FROM: Senior Director, Tariff Services

SUBJECT: Composite Cargo Tariff Coordinating Conference
Geneva, 15-17 May 2000
Expedited Composite Resolution 506
(except USA/US Territories)
Intended Effective Date: 1 July 2000

Attached is Expedited Composite Resolution 506 (except USA/US Territories) which is adopted at the above meeting for an intended effective date of 1 July 2000.

The filing period for the attached Resolutions ends **22 June 2000**. 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.

Ken Forrester
Manager, Industry Tariff Affairs

RESOLUTION FINALLY ADOPTED AT

COMPOSITE
CARGO TARIFF COORDINATING CONFERENCE

EXCEPT USA/US TERRITORIES

GENEVA, 15-17 MAY 2000

EXPEDITED EFFECTIVE DATE: 1 JULY 2000

Filing Period: 9 June 2000 - 22 June 2000

RESO	TITLE	PAGE
<u>506</u>	<u>Special Surcharge Resolution</u> <u>from Japan</u>	1

EXPEDITED
SPECIAL SURCHARGE RESOLUTION
FROM JAPAN
EXCEPT USA/US TERRITORIES

CTC3(44) 506				New
CTC23(55) 506				
CTC31(49) 506				
CTC123(59) 506				
Filing Period	Begins	9 June 2000	Intended Effectiveness	1 July 2000
	Ends	22 June 2000	Expiry	30 September 2002
				Type B

RESOLVED that,

- 1) rates and charges from Japan intended for application on or after 1 July 2000 shall be subject to a surcharge of JPY12 per kg
- 2) the manner of applying the surcharge is as follows
 - a) the surcharge is applicable per kg on the chargeable weight
 - b) the surcharge shall be in addition to the weight charge
 - c) the surcharge shall accrue to the issuing carrier
 - d) the surcharge shall not apply to a minimum charge shipment
 - e) the surcharge shall be identified on the air waybill by the code MY
 - f) the surcharge is not commissionable

COMPOSITE CARGO**DESCRIPTION OF AGREEMENT
(Not applicable to/from USA, US Territories)****Expedited Effective Date: 1 July 2000**

The Composite meeting of Cargo Tariff Coordinating Conferences met 15-17 May 2000 in Geneva to develop an agreement for an intended effective date of 1 October 2000. Certain changes were agreed for an earlier intended effective date of 1 July 2000. Changes are described below and do not affect transportation to/from USA, US Territories.

- All rates and charges from Japan intended for application on or after 1 July 2000 shall be subject to a surcharge of JPY 12 per kilogram, to compensate for extraordinary increases in fuel and other operating costs.