

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

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

Docket OST-99-

APPLICATION FOR APPROVAL OF AGREEMENTS
BY THE
INTERNATIONAL AIR TRANSPORT ASSOCIATION

11 August 1999

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-99-	DOT ORDER: pending
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Date: 11 August 1999

Filing fee/IATA Acct: \$427 - 3923-99

US/UST involved: No

End of Government Filing Period: 15 August 1999

Intended effective date: **20 August 1999**

Agreement: **Mail Vote 027** - TC12 Canada-Europe Special Passenger

Amending Resolution 010a circulated by message TE664 dated 11 August 1999

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

11 August 1999
Date Served

TE664 PART 1 OF 3
FLWG IS TEXT OF MAIL VOTE 027 AS ADOPTED

TO MEMBERS PARTICIPATING IN PASSENGER TARIFF COORDINATING CONFERENCES

SUBJECT: MAIL VOTE 027 - RESOLUTION 010a
TC12 CANADA-EUROPE - SPECIAL PASSENGER AMENDING RESOLUTION

1. AT THE REQUEST OF SWISSAIR THIS CABLE MAIL VOTE HAS BEEN
AUTHORISED IN ACCORDANCE WITH THE PROVISIONS FOR THE CONDUCT OF IATA
TRAFFIC CONFERENCES.

2. DUE TO THE POSTPONEMENT OF THE ANNUAL TC12 CANADA-EUROPE MEETING,
AND TO ENSURE CONTINUITY AND FACILITATE ADVANCE BOOKINGS, SR PROPOSES
TO READOPT ALL 1999 SEASONAL PERIODS BETWEEN CANADA AND EUROPE FOR
APPLICATION THROUGH THE YEAR 2000 WITH MINOR CHANGES.
THIS ACTION IS PROPOSED PURELY AS A STOPGAP MEASURE WITH REVISED
SEASONS TO SERVE AS A BASE FOR REVIEW AND REFINEMENT BY CARRIER
SUBMISSIONS TO THE MEETING SCHEDULED FOR 12-16 OCTOBER 1999.
THE 01-02JAN2000 PERIOD WOULD BE CARRIED FORWARD WITHOUT CHANGE.

3. VOTING MEMBERS ARE REQUESTED TO VOTE NOT LATER THAN 15H00 GVA TIME
10AUG99 ATTN VIOLETTE AT GVATEXB OR BY E-MAIL TO TCOTELEX(AT)IATA.ORG

4. RESO PTC12(MAIL 027)010a. TYPE: B
TC12 CANADA-EUROPE SPECIAL PASSENGER AMENDING RESOLUTION
EXPIRY DATE: 31 DECEMBER 2000
INTENDED EFFECTIVE DATE: 20AUG99 FOR IMPLEMENTATION 1JAN200

RESOLVED THAT, ALL RESOLUTIONS WITH EXPIRY DATE FOR PARAGRAPH 3)A)
ARE AMENDED AS FOLLOWS:

1. EXPIRY DATE FOR PARAGRAPH 3)A) TO READ: 31 DECEMBER 2000
2. ALL PARAGRAPHS 3)A), SEASONAL PERIODS, EFFECTIVE FOR TRAVEL
COMMENCING ON OR AFTER 1JAN2000, ARE AMENDED TO INCORPORATE
SEASONAL PERIODS EFFECTIVE FOR TRAVEL COMMENCING PRIOR TO
1JAN2000 WITH MINOR ADJUSTMENTS FOR UK/IRELAND. WHEREVER
APPLICABLE REFERENCES TO 01JAN IN CURRENT 1999 SEASONS TO BE
AMENDED TO READ 03JAN AS PER EXAMPLES BELOW

DJAFERIS, MANAGER TARIFF SERVICES
END OF PART 1, PART 2 FLWS

TE664 PART 2 OF 3

TO MEMBERS PARTICIPATING IN PASSENGER TARIFF COORDINATING CONFERENCES

1/ BETWEEN CANADA AND ALL POINTS IN EUROPE (EXCEPT TO IRELAND,UK)

FOR EXAMPLE RESOLUTION 073^{ss} PARAGRAPH 3)A) SEASONAL PERIODS
WILL READ:

EFFECTIVE FOR TRAVEL COMMENCING ON OR AFTER 1 JANUARY 2000

PEAK H 01JAN - 02JAN
 H 04JUN - 12SEP
 H 17DEC - 24DEC

SHOULDER 2 K 26FEB - 18APR
 K 13SEP - 31OCT

SHOULDER 1 J 19APR - 03JUN

LOW L 03JAN - 25FEB
 L 01NOV - 16DEC
 L 25DEC - 31DEC

2/ FROM CANADA TO IRELAND, UK: FOR EXAMPLE
RESOLUTION 073^{ss} PARAGRAPH 3)A)5) SEASONAL PERIODS WILL READ:

EFFECTIVE FOR TRAVEL COMMENCING PRIOR TO 1 JANUARY 2000

PEAK H 18JUN - 12SEP
 H 17DEC - 31DEC

SHOULDER 2 K 19MAR - 11 APR
 K 28MAY - 17JUN
 K 13SEP - 17OCT
 K 10DEC - 16DEC

SHOULDER 1 J 05MAR - 18MAR
 J 12APR - 27MAY

LOW L 01JAN - 04MAR
 L 18OCT - 09DEC

DJAFERIS, MANAGER TARIFF SERVICES
END OF PART 2, PART 3 FLWS

TE664 - PART 3 OF 3

TO MEMBERS PARTICIPATING IN PASSENGER TARIFF COORDINATING CONFERENCES

EFFECTIVE FOR TRAVEL COMMENCING ON OR AFTER 1 JANUARY 2000

PEAK H 18JUN - 12SEP
 H 01JAN - 02JAN

SHOULDER 2 K 28MAY - 17JUN
 K 13SEP - 17OCT
 K 08APR - 25APR
 K 16DEC - 24DEC

SHOULDER 1 J 05MAR - 07APR
 J 26APR - 27MAY

LOW L 03JAN - 04MAR
 L 18OCT - 15DEC
 L 25DEC - 31DEC

COMPLETE SEASONALITY PARAGRAPHS FOR ALL AFFECTED RESOLUTIONS (I.E. 071Q, 073SS, 073YY, 074OO, 075Q, 077A) WILL BE CIRCULATED WITH THE MEMORANDUM CONFIRMING THIS MESSAGE

DJAFERIS, MANAGER TARIFF SERVICES
END OF MESSAGE