

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

20 March 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: OST-01-	DOT ORDER: pending
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Date: 20 March 2001

Filing fee/IATA Acct: \$427 - 2000-80

US/UST involved: No

End of Government Filing Period: 28 March 2001

Intended effective date: **1 April 2001**

Agreement: **CTC2 EUR 0008**, dated 20 March 2001

Mail Vote 117 - TC2 Within Europe Cargo Resolutions (Amending)

r-1--500

r-5--595

r-2--500e

r-6--596

r-3--500ee

r-7--597

r-4--511

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

20 March 2001
Date Served



International Air Transport Association

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

20 March 2001

M E M O R A N D U M

CTC2 EUR 0008

TO: Members Participating in Tariff Coordinating Conferences (SC-0193)

FROM: Director, Interline and Revenue Management Services

SUBJECT: **Mail Vote 117** - Resolutions 500, 500e, 500ee, 511, 595, 596, 597
TC2 Within Europe Cargo Resolutions (Amending)
Intended Effective Date: 1 April 2001

VOTING RESULT - AFFIRMATIVE

This confirms message TW835 of 13 March 2001 which declared the above mentioned Mail Vote adopted as circulated by TW831 dated 6 March 2001.

The filing period for the attached Resolution(s) ends **28 March 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.

Philip Djaferis
Senior Manager,
Interline and Revenue Management Services

**TC2
CARGO TARIFF COORDINATING CONFERENCE**

WITHIN EUROPE

RESO	TITLE	COMMENTS	RD
500	Special Rates System Resolution within Europe except between countries in the ECAA, Switzerland	Amending	1
500e	Special Rates System Resolution between countries in the ECAA, Switzerland B&K	Amending	2
500ee	Special Rates System Resolution between countries in the ECAA, Switzerland M&N	Amending	3
511	Rates for Live Animals TC2	Amending	4
595	Special Rates for Valuable Cargo	Amending	5
596	Newspapers and Periodicals	Amending	6
597	Carriage of Human Remains TC2	Amending	8

TC2
SPECIAL RATES SYSTEM RESOLUTION
WITHIN EUROPE
EXCEPT BETWEEN COUNTRIES IN THE ECAA, SWITZERLAND

CTC2(Mail 117)500				Amending
Filing Period	Begins	14 March 2001	Intended Effectiveness	1 April 2001
	Ends	28 March 2001	Expiry	30 September 2002
				Type B

RESOLVED that, Resolution 500 is amended as follows

1 Paragraph 1) is amended

- 1) notwithstanding any other Resolution, for transportation of cargo consignments
 - a) from Italy, Netherlands
to Albania, Bosnia and Herzegovina, Croatia, Czech Republic, Gibraltar, Hungary, Macedonia (FYROM), Malta, Poland, Slovakia, Slovenia, Turkey, Yugoslavia
 - b) from Belgium, Luxembourg, Switzerland
to Albania, Bosnia and Herzegovina, Croatia, Czech Republic, Gibraltar, Hungary, Macedonia (FYROM), Malta, Poland, Slovakia, Slovenia, Turkey, Yugoslavia
 - c) from Belgium, Luxembourg
to Armenia, Azerbaijan, Bulgaria, Georgia, Morocco, Romania, Russia (in Europe), Tunisia, Ukraine
 - d) from Italy to Algeria, Morocco
 - e) from Czech Republic, Slovakia
to Belgium, Italy, Luxembourg, Netherlands, Scandinavia, Switzerland

~~subject to the following conditions herein shall apply~~

2 Paragraph 5)d) is added

5) **RATES FOR LIVE ANIMALS**

d) these rates do not apply for shell fish

**TC2
SPECIAL RATES SYSTEM RESOLUTION
BETWEEN COUNTRIES IN THE ECAA, SWITZERLAND
B&K**

CTC2(Mail 117)500e				Amending
Filing Period	Begins	14 March 2001	Intended Effectiveness	1 April 2001
	Ends	28 March 2001	Expiry	30 September 2002
				Type B

RESOLVED that, Resolution 500e is amended as follows

1 Paragraph 1) is amended

- 1) notwithstanding any other Resolution, for transportation of cargo consignments from Belgium, France, Greece, Ireland, Italy, Luxembourg, Netherlands, Spain, Switzerland

~~subject to~~ the following conditions ~~herein~~ shall apply

2 Paragraph 5)c) is added

5) **RATES FOR LIVE ANIMALS**

c) these rates do not apply for shell fish

**TC2
SPECIAL RATES SYSTEM RESOLUTION
BETWEEN COUNTRIES IN THE ECAA, SWITZERLAND
M&N**

CTC2(Mail 117)500ee				Amending
Filing Period	Begins	14 March 2001	Intended Effectiveness	1 April 2001
	Ends	28 March 2001	Expiry	30 September 2002
				Type B

RESOLVED that, Resolution 500ee is amended as follows

1 Paragraph 1) is amended

- 1) notwithstanding any other Resolution, for transportation of cargo consignments from Austria, Finland, Germany, Iceland, Portugal, Scandinavia, UK and on LH services from Greece, Italy

~~subject to~~ the following conditions herein shall apply

2 Paragraph 5)c) is added

5) **RATES FOR LIVE ANIMALS**

c) these rates do not apply for shell fish

**TC2
RATES FOR LIVE ANIMALS**

CTC2(Mail 117)511				Amending
Filing Period	Begins	14 March 2001	Intended Effectiveness	1 April 2001
	Ends	28 March 2001	Expiry	Indefinite
				Type B

RESOLVED that, Resolution 511 is amended as follows

1 Paragraph 7) is added

7) **Area of Application:** this Resolution shall not apply

a) between countries in the ECAA, Switzerland

b) from Belgium, Italy, Luxembourg, Netherlands, Switzerland to Albania, Bosnia and Herzegovina, Croatia, Czech Republic, Gibraltar, Hungary, Macedonia (FYROM), Malta, Poland, Slovakia, Slovenia, Turkey, Yugoslavia

c) from Czech Republic, Slovakia to Belgium, Italy, Luxembourg, Netherlands, Scandinavia, Switzerland

d) from Italy to Algeria, Morocco

2 The Attachment is amended

Attachment

EXCEPTIONS TO RESOLUTION 511 - TC2 RATES FOR LIVE ANIMALS

Paragraph (Rule)	Applicable	Exception
entire Resolution	within Europe	† not applicable to shell fish ‡ see Resolution 500

(no other changes to Table)

SPECIAL RATES FOR VALUABLE CARGO

CTC2(Mail 117)595

Filing Period	Begins	14 March 2001	Intended Effectiveness	1 April 2001
	Ends	28 March 2001	Expiry	Indefinite
				Type A, except charges in Attachment 'A' which are Type B

Amendin

RESOLVED that, Resolution 595 is amended as follows

1 Paragraph 6) is added

6) **Area of Application:** this Resolution shall not apply

a) between countries in the ECAA, Switzerland

b) from Belgium, Italy, Luxembourg, Netherlands, Switzerland to Albania, Bosnia and Herzegovina, Croatia, Czech Republic, Gibraltar, Hungary, Macedonia (FYROM), Malta, Poland, Slovakia, Slovenia, Turkey, Yugoslavia

c) from Czech Republic, Slovakia to Belgium, Italy, Luxembourg, Netherlands, Scandinavia, Switzerland

d) from Italy to Algeria, Morocco

2 The Attachment is amended

Attachment

EXCEPTIONS TO RESOLUTION 595 - RATES FOR VALUABLE CARGO

Paragraph (Rule)	Area	Applicable	Exception
entire Resolution	TC2	within Europe	see Resolution 500
1)a) (200%)	TC2	from Italy to Germany, United Kingdom	230%

(no other changes to Table)

NEWSPAPERS AND PERIODICALS

CTC2(Mail 117)596				Amending
Filing Period	Begins	14 March 2001	Intended Effectiveness	1 April 2001
	Ends	28 March 2001	Expiry	Indefinite
				Type B

RESOLVED that, Resolution 596 is amended as follows

1 Paragraph 6) is added

6) **Area of Application:** this Resolution shall not apply

a) between countries in the ECAA, Switzerland

b) from Belgium, Italy, Luxembourg, Netherlands, Switzerland to Albania, Bosnia and Herzegovina, Croatia, Czech Republic, Gibraltar, Hungary, Macedonia (FYROM), Malta, Poland, Slovakia, Slovenia, Turkey, Yugoslavia

c) from Czech Republic, Slovakia to Belgium, Italy, Luxembourg, Netherlands, Scandinavia, Switzerland

d) from Italy to Algeria, Morocco

2 The Attachment is amended

Attachment

EXCEPTIONS TO RESOLUTION 596 - NEWSPAPERS AND PERIODICALS

Paragraph (Rule)	Area	Applicable	Exception
entire Resolution	TC2	within Europe	see Resolutions 500
1) (50%)	TC2	within Europe Exceptions: 1. from Italy to Germany, UK 2. LH flagged rates from Italy to Europe	67% 85% of applicable GCR 85%
3)	TC2	from Ireland to UK	not applicable

(no other changes to Table)



**TC2
CARRIAGE OF HUMAN REMAINS**

CTC2(Mail 117)597				Amending
Filing Period	Begins	14 March 2001	Intended Effectiveness	1 April 2001
	Ends	17 April 2001	Expiry	Indefinite
				Type B

RESOLVED that, Resolution 597 is amended as follows

1 Paragraph 7) is added

7) **Area of Application:** this Resolution shall not apply

a) between countries in the ECAA, Switzerland

b) from Belgium, Italy, Luxembourg, Netherlands, Switzerland to Albania, Bosnia and Herzegovina, Croatia, Czech Republic, Gibraltar, Hungary, Macedonia (FYROM), Malta, Poland, Slovakia, Slovenia, Turkey, Yugoslavia

c) from Czech Republic, Slovakia to Belgium, Italy, Luxembourg, Netherlands, Scandinavia, Switzerland

d) from Italy to Algeria, Morocco