

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

3 April 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-01-</b>	DOT ORDER: <b>pending</b>
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Date: 3 April 2001  
 Filing fee/IATA Acct: \$61 2001-44  
 US/UST involved: No  
 End of Government Filing Period: 11 April 2001  
 Intended effective date: **15 April 2001**  
 Agreement: **PTC12 NMS-AFR 0109** dated 3 April 2001  
**Mail Vote 118** - Resolution 010x  
 TC12 Mid Atlantic-Africa  
 Special Passenger Amending Resolution from Botswana

### **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:

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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

3 April 2001  
Date Served



**International Air Transport Association**

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

3 April 2001

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

PTC12 NMS-AFR 0109

TO: Members Participating in Tariff Coordinating Conferences (SP-1350)

FROM: Director, Interline and Revenue Management Services

SUBJECT: **Mail Vote 118** - Resolution 010x  
TC12 Mid Atlantic-Africa  
Special Passenger Amending Resolution from Botswana  
Intended Effective Date: 15 April 2001

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**VOTING RESULT - AFFIRMATIVE**

This confirms message TE680 of 29 March 2001 which declared the above mentioned Mail Vote adopted as circulated by TE677 dated 22 March 2001.

The filing period for the attached Resolution(s) ends **11 April 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.

TC Members met on 15-16 March 2001 to develop a fares agreement for TC12 Mid Atlantic-Africa sub-area for intended effect 1 May 2001. It was proposed to amend the current agreement in respect of fares from Botswana for expedited effectiveness 15 April 2001. The action was necessary in order to correct the data base to reflect Government disapproval of Passenger Composite Resolution 002y which was circulated by Memorandum PTC COMP 0589 dated 7 March 2000.

A quorum was not achieved and in accordance with Section VI, Paragraph 9 of the Provisions for the Conduct of IATA Traffic Conferences, the meeting reviewed the item and recommended it for adoption by the Conference by Mail Vote.

Philip Djaferis  
Senior Manager,  
Interline and Revenue Management Services

**TC12 MID ATLANTIC-AFRICA  
SPECIAL PASSENGER AMENDING RESOLUTION  
FROM BOTSWANA**

PTC12(Mail 118)010x				New
Filing Period	Begins	30 March 2001	Intended Effectiveness	15 April 2001
	Ends	11 April 2001	Expiry	30 April 2001
				Type B

RESOLVED that,

from Botswana normal and special fares are reduced by 3% (divide by 1.03 and round down)

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