

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

10 September 2001
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-01-	DOT ORDER: pending
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Date: 10 September 2001

Filing fee/IATA Acct: \$61 - 2000-28

US/UST involved: No

End of Government Filing Period: 25 September 2001

Intended effective date: **1 October 2001**

Agreement: **PTC3 0512** dated 7 September 2001

Mail Vote 144 - Resolution 010o

TC3 Special Passenger Amending Resolution
between Korea (Rep. of) and Japan

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 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

10 September 2001
Date Served



International Air Transport Association

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

7 September 2001

M E M O R A N D U M

PTC3 0512

TO: Members Participating in Tariff Coordinating Conferences (SP-1608)

FROM: Director, Interline and Revenue Management Services

SUBJECT: **Mail Vote 144** - Resolution 010o
TC3 Special Passenger Amending Resolution between Korea (Rep. of) and Japan
Intended Effective Date: 1 October 2001

VOTING RESULT - AFFIRMATIVE

This confirms message TD198 of 4 September 2001 which declared the above mentioned Mail Vote adopted as circulated by TD190 dated 28 August 2001 and amended by TD191 dated 31 August 2001.

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

This Mail Vote was issued at the request of Korean Air Lines in order to establish fares between SEL (Seoul, Korea (Rep. of)) and AXT (Akita, Japan) due to the introduction of regular service between these points effective 1 October 2001.

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

TC3

**SPECIAL PASSENGER AMENDING RESOLUTION
BETWEEN KOREA (REP. OF) AND JAPAN**

PTC3(Mail 144)010o

Filing Period:	Begins: 5 September 2001	Intended Effectiveness:	1 October 2001
	Ends: 25 September 2001	Expiry:	31 March 2002

Type: B

RESOLVED that,

Fares between SEL (Seoul, Korea (Rep. of)) and AXT (Akita, Japan) are adopted as follows:

1. Fares are introduced from SEL to AXT equal to current levels to AOJ.
2. Fares are introduced from AXT to SEL equal to current levels from TYO to SEL except Resolution 075K, Experimental Air/Sea/Rail APEX Fares, which shall not apply

