

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

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

Docket OST-02-

APPLICATION FOR APPROVAL OF AGREEMENTS
BY THE
INTERNATIONAL AIR TRANSPORT ASSOCIATION

5 March 2002

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-02-	DOT ORDER: pending
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Date: 7 March 2002

Filing fee/IATA Acct: \$305 - 2002-44

US/UST involved: No

End of Government Filing Period: 28 March 2002

Meeting site/date: Geneva, 20-21 February 2002

Intended effective date: **15 April 2002, 30 April 2002**

Agreement: **PTC12 NMS-AFR 0129** dated 1 Mar 2002

TC12 South Atlantic-Africa Expedited Resolutions r1 - r4

PTC12 NMS-AFR 0131 dated 1 March 2002

TC12 South Atlantic-Africa Resolution 002d r5

r-1--044I

r-2--054I

r-3--065I

r-4--071j

r-5--002d

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 person:

Chief, Transportation, Energy
& Agriculture Section
Antitrust Division
Department of Justice
Washington D.C. 20530

David M. O'Connor

7 March 2002
Date Served



International Air Transport Association

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

1 March 2002

M E M O R A N D U M

PTC12 NMS-AFR 0129

TO: Members Participating in Tariff Coordinating Conferences (SP-1921)

FROM: Director, Interline & Revenue Management Services

SUBJECT: TC12 Passenger Tariff Coordinating Conference
Geneva, 20-21 February 2002
TC12 South Atlantic-Africa Expedited Resolutions
Intended Effective Date: 15 April 2002

Attached are TC12 South Atlantic-Africa Expedited Resolutions which were adopted at the above meeting for an intended effective date of 15 April 2002.

The filing period for the attached Resolutions ends **28 March 2002**. 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.

Susan Burbage
Manager, Conference Services
Interline & Revenue Management Services

RESOLUTIONS FINALLY ADOPTED AT

TC12 PASSENGER TARIFF COORDINATING CONFERENCE

BETWEEN SOUTH ATLANTIC AND AFRICA

GENEVA, 20-21 FEBRUARY 2002

EXPEDITED EFFECTIVE DATE: 15 APRIL 2002

Filing Period: 15 March 2002 - 28 March 2002

RESO	TITLE	PAGE
044i	Intermediate Class Fares between South Atlantic and Africa	1
054i	First Class Fares between South Atlantic and Africa	2
064i	Economy Class Fares between South Atlantic and Africa	3
071j	Excursion Fares from Africa to South Atlantic	4

EXPEDITED

**TC12 SOUTH ATLANTIC
INTERMEDIATE CLASS FARES
BETWEEN SOUTH ATLANTIC AND AFRICA**

PTC12(155)044i				Amending
Filing Period	Begins	15 March 2002	Intended Effectiveness	15 April 2002
	Ends	28 March 2002	Expiry	30 April 2002
				Type B

RESOLVED that, Resolution 044i is amended as follows

Paragraph 19) is amended

19) CHILDREN AND INFANT DISCOUNTS

A) 1) Children

a) accompanied children

aged 2-11 years: charge 75% of applicable adult fare

Exception: from Libya: charge 67% of applicable adult fare

b) unaccompanied children

ii) aged 8-11 years: charge 100% of applicable adult fare

Exception: from Kenya, Mauritius: charge 75% of applicable adult fare

EXPEDITED

**TC12 SOUTH ATLANTIC
FIRST CLASS FARES
BETWEEN SOUTH ATLANTIC AND AFRICA**

PTC12(155)054i				Amending
Filing Period	Begins	15 March 2002	Intended Effectiveness	15 April 2002
	Ends	28 March 2002	Expiry	30 April 2002
				Type B

RESOLVED that, Resolution 054i is amended as follows

Paragraph 19) is amended

19) CHILDREN AND INFANT DISCOUNTS

A) 1) **Children**

a) accompanied children

aged 2-11 years: charge 75% of applicable adult fare

Exception: from Libya: charge 67% of applicable adult fare

b) unaccompanied children

ii) aged 8-11 years: charge 100% of applicable adult fare

Exception: from Kenya, Mauritius: charge 75% of applicable adult fare

EXPEDITED

**TC12 SOUTH ATLANTIC
ECONOMY CLASS FARES
BETWEEN SOUTH ATLANTIC AND AFRICA**

PTC12(155)064i				Amending
Filing Period	Begins	15 March 2002	Intended Effectiveness	15 April 2002
	Ends	28 March 2002	Expiry	30 April 2002
				Type B

RESOLVED that, Resolution 064i is amended as follows

Paragraph 19) is amended

19) CHILDREN AND INFANT DISCOUNTS

A) 1) **Children**

a) accompanied children

aged 2-11 years: charge 75% of applicable adult fare

Exception: from Libya: charge 67% of applicable adult fare

b) unaccompanied children

ii) aged 8-11 years: charge 100% of applicable adult fare

Exception: from Mauritius: charge 75% of applicable adult fare

EXPEDITED

**TC12 SOUTH ATLANTIC
EXCURSION FARES
FROM AFRICA TO SOUTH ATLANTIC**

PTC12(155)071j				Amending
Filing Period	Begins	15 March 2002	Intended Effectiveness	15 April 2002
	Ends	28 March 2002	Expiry	30 April 2002
				Type B

RESOLVED that, Resolution 071j is amended as follows

Paragraph 19) is amended

19) CHILDREN AND INFANT DISCOUNTS

A) 1) **Children**

a) accompanied children

aged 2-11 years: charge 75% of applicable adult fare

Exception: from Libya: charge 67% of applicable adult fare

b) unaccompanied children

ii) aged 8-11 years: charge 100% of applicable adult fare

Exception: from Mauritius: charge 75% of applicable adult fare

**TC12
SOUTH ATLANTIC-AFRICA**

**SUMMARY OF AGREEMENT
(Excluding USA, US Territories)**

Effective Date: 15 April 2002

The TC1-Africa Conference met 20-21 February in Geneva to develop an agreement for an intended effective date of 1 May 2002.

For expedited effect 15 April 2002, it was agreed to amend Resolutions to reflect government disapproval of previously adopted children's fares from Kenya and Mauritius.



International Air Transport Association

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

1 March 2002

M E M O R A N D U M

PTC12 NMS-AFR 0131

TO: Members Participating in Tariff Coordinating Conferences (SP-1923)

FROM: Director, Interline & Revenue Management Services

SUBJECT: TC12 Passenger Tariff Coordinating Conference
Geneva, 20-21 February 2002
TC12 South Atlantic-Africa Expedited Resolution 002d
Intended Effective Date: 30 April 2002

Attached is TC12 South Atlantic-Africa Expedited Resolution 002d which was adopted at the above meeting for an intended effective date of 30 April 2002.

The filing period for the attached Resolution ends **28 March 2002**. 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.

Susan Burbage
Manager, Conference Services
Interline & Revenue Management Services

RESOLUTION FINALLY ADOPTED AT

TC12 PASSENGER TARIFF COORDINATING CONFERENCE

BETWEEN SOUTH ATLANTIC AND AFRICA

GENEVA, 20-21 FEBRUARY 2002

EXPEDITED EFFECTIVE DATE: 30 APRIL 2002

Filing Period: 15 March 2002 - 28 March 2002

RESO	TITLE	PAGE
002d	Special Amending Resolution between South Atlantic and Africa	1-2

EXPEDITED

**TC12 SOUTH ATLANTIC
SPECIAL AMENDING RESOLUTION
BETWEEN SOUTH ATLANTIC AND AFRICA**

PTC12(155)002d				New
Filing Period	Begins	15 March 2002	Intended Effectiveness	30 April 2002
	Ends	28 March 2002	Expiry	30 April 2002
				Type B

RESOLVED that, for application in the TC12 between South Atlantic and Africa sub-area

fares Attachments to Resolutions are amended in accordance with the Attachment to this Resolution



Nigeria

Normal and special fares from Lagos (LOS) amended to equal Accra (ACC) levels.

**TC12
SOUTH ATLANTIC-AFRICA**

**SUMMARY OF AGREEMENT
(Excluding USA, US Territories)**

Effective Date: 30 April 2002

The TC1-Africa Conference met 20-21 February in Geneva to develop an agreement for an intended effective date of 1 May 2002.

For expedited effect 30 April 2002, it was agreed to reinstate fares from Nigeria which were due to expire on 29 April 2002, but with decrease to equal levels applicable from Accra.