

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

15 April 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: 15 April 2002

Filing fee/IATA Acct: \$305 - 2001-28

US/UST involved: No

End of Government Filing Period: 19 April 2001

Intended effective date: **25 April 2002**

Agreement: **PTC3 0560** dated 16 April 2002

Mail Vote 215 - Resolution 010n

TC3 Special Passenger Amending Resolution

Between Chongking and Bangkok

r 1 - r 5

r-1--010n

r4--063b

r-2--043b

r5--070uu

r-3--053b

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

15 April 2002
Date Served



International Air Transport Association

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

16 April 2002

M E M O R A N D U M

PTC3 0560

TO: Members Participating in Tariff Coordinating Conferences (SP-2009)

FROM: Director, Interline and Revenue Management Services

SUBJECT: **Mail Vote 215** - Resolution 010n
TC3 Within South East Asia Special Passenger Amending Resolution
Between Chongking and Bangkok
Intended Effective Date: 25 April 2002

VOTING RESULT - AFFIRMATIVE

This confirms message TD369 of 11 April 2002 which declared the above mentioned Mail Vote adopted as circulated by TD354 dated 25 March 2002 and amended by messages TD 362 dated 2 April and TD365 dated 4 April 2002.

The filing period for the attached Resolution(s) ends **19 April 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.

China Southwest Airlines requests this Mail Vote in order to establish fares between Chongking and Bangkok due to the commencement of direct service between these points.

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

**TC3 WITHIN SOUTH EAST ASIA
SPECIAL PASSENGER AMENDING RESOLUTION**

PTC3(Mail 215)010n

Filing Period:	Begins: 12 April 2002	Intended Effectiveness:	25 April 2002
	Ends: 19 April 2002	Expiry:	Indefinite
			Type: B

RESOLVED that, fares between Chongking (CKG) and Bangkok (BKK) are adopted as follows:

From CKG To BKK (CCY/CNY)

FARE TYPE		FARE LEVEL	RESO	GI
F	OO	4210	053b	EH
F	RT	8010	053b	EH
C	OO	3580	043b	EH
C	RT	6800	043b	EH
Y	OO	2980	063b	EH
Y	RT	5650	063b	EH
MEE45		3960	070uu	EH

FROM BKK TO CKG (CCY/THB)

FARE TYPE		FARE LEVEL	RESO	GI
F	OO	17880	053b	EH
F	RT	34030	053b	EH
C	OO	13430	043b	EH
C	RT	25555	043b	EH
Y	OO	11200	063b	EH
Y	RT	21300	063b	EH
MEE45		15980	070uu	EH