

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

30 May 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: 30 May 2002

Filing fee/IATA Acct: \$61 - 2002-60

US/UST involved: No

End of Government Filing Period: 20 June 2002

Meeting site/date: Los Angeles, 13-16 May 2002

Intended effective date: **1 August 2002**

Agreement: **PTC31 SOUTH 0124** dated 24 May 2002

TC31 South Pacific (except between New Zealand and USA) Expedited

Resolution 311s

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

30 May 2002
Date Served



International Air Transport Association

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

24 May 2002

M E M O R A N D U M

PTC31 SOUTH 0124

TO: Members Participating in Tariff Coordinating Conferences (SP-2083)

FROM: Director, Interline & Revenue Management Services

SUBJECT: TC31 Passenger Tariff Coordinating Conference
Los Angeles, 13-16 May 2002
TC31 South Pacific (except between New Zealand and USA)
Expedited Resolution 311s
Intended Effective Date: 1 August 2002

Attached is TC31 South Pacific (except between New Zealand and USA) Expedited Resolution 311s which was adopted at the above meeting for an intended effective date of 1 August 2002.

The filing period for the attached Resolution ends **20 June 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.

Karen Evans
Manager, Conference Services
Interline & Revenue Management Services

RESOLUTION FINALLY ADOPTED AT

**TC31
PASSENGER TARIFF COORDINATING CONFERENCE**

SOUTH PACIFIC

(EXCEPT BETWEEN NEW ZEALAND AND USA)

LOS ANGELES, 13-16 MAY 2002

EXPEDITED EFFECTIVE DATE: 1 AUGUST 2002

Filing Period: 7 June 2002 - 20 June 2002

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**TC31 SOUTH PACIFIC
EXCESS BAGGAGE CHARGES**

PTC31(101)311s				Amending
Filing Period	Begins	7 June 2002	Intended Effectiveness	1 August 2002
	Ends	20 June 2002	Expiry	30 September 2002
				Type B

RESOLVED that, Resolution 311s is amended as follows

1 the Table in Paragraph 1) is amended

FROM SOUTH WEST PACIFIC TO CANADA

<u>BETWEEN TO</u>	<u>VANCOUVER</u>	<u>CANADA EXCEPT VANCOUVER</u>
<u>AND FROM</u>		
South West Pacific except Australia, New Caledonia, New Zealand	CAD 115 FJD 110 XPF 10900	CAD 140 FJD 125 XPF 12000
Australia	AUD 150 CAD 150	AUD 175 CAD 175
<u>Cook Islands, New Zealand</u>		<u>NZD</u> 220
<u>Fiji</u>		<u>FJD</u> 210
<u>French Polynesia, New Caledonia</u>	CAD 125 XPF 12000	CAD 150 XPF 13300
<u>New Zealand</u>	CAD 125 NZD 165	CAD 150 NZD 190

FROM CANADA TO SOUTH WEST PACIFIC

<u>FROM</u>	<u>CANADA</u>
<u>TO</u>	
<u>South West Pacific</u>	<u>CAD</u> 175

2 the Table in Paragraph 2) is amended

FROM SOUTH WEST PACIFIC TO SOUTH AMERICA

<u>BETWEEN TO</u>	ARGENTINA, BRAZIL, CHILE, PARAGUAY, URUGUAY	SOUTH AMERICA EXCEPT ARGENTINA, BRAZIL, CHILE, PARAGUAY, URUGUAY
<u>AND FROM</u>		
South West Pacific	AUD 270 FJD 360 NZD 340 USD 175	AUD 290 FJD 380 NZD 370 USD 185

FROM SOUTH AMERICA TO SOUTH WEST PACIFIC

<u>FROM</u>	<u>ARGENTINA, BRAZIL, CHILE, PARAGUAY, URUGUAY</u>	<u>SOUTH AMERICA EXCEPT ARGENTINA, BRAZIL, CHILE, PARAGUAY, URUGUAY</u>
<u>TO</u>		
<u>South West Pacific</u>	<u>USD 175</u>	<u>USD 185</u>

DESCRIPTION OF AGREEMENT**(EXCEPT TO/FROM USA/US TERRITORIES)****TC31 SOUTH PACIFIC****EXPEDITED EFFECTIVE DATE: 1 August 2002**

The TC31 South Pacific Conference met 13-16 May in Los Angeles to review the fares structure with effect from 1 October 2002. Changes to excess baggage charges between Canada the South West Pacific were adopted for an earlier effective date of 1 August 2002 as outlined below. These changes do not affect fares or conditions to/from the USA/US Territories.

Resolution 311s – Excess Baggage Charges

- To simplify the approach, a single excess baggage charge has been adopted between all cities in Canada and all points in South West Pacific.
- For clarity and to ensure the appropriate charge is applied, the Resolution has been reformatted to reflect charges on a from/to basis, instead of on a between/and basis.

There are no changes to fares, structure or conditions to/from the USA, US Territories for an early effective date.