

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

3 September 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: 3 September 2002

Filing fee/IATA Acct: \$244 - A605/9329

US/UST involved: No

End of Government Filing Period: 12 September 2002

Intended effective date: **20 September 2002**

Agreement: **PTC3 0583** dated 6 September 2002

Mail Vote 233 - Resolution 010a

TC3 Special Passenger Amending Resolution between China
(excluding Hong Kong SAR and Macau SAR) and Thailand

r-1--043b

r-3--063b

r-2--053b

r-4--070uu

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

3 September 2002
Date Served



International Air Transport Association

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

6 September 2002

M E M O R A N D U M

PTC3 0583

TO: Members Participating in Tariff Coordinating Conferences (SP-2204)

FROM: Director, Interline and Revenue Management Services

SUBJECT: **Mail Vote 233** - Resolution 010a
TC3 Special Passenger Amending Resolution between China
(excluding Hong Kong SAR and Macau SAR) and South East Asia
Intended Effective Date: 20 September 2002

VOTING RESULT - AFFIRMATIVE

This confirms message TD121 of 3 September 2002 which declared the above mentioned Mail Vote adopted as circulated by message TD113 dated 23 August 2002 and amended by message TD115 dated 30 August 2002.

The filing period for the attached Resolution(s) ends **12 September 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.

This Mail Vote was requested by China Northwest Airlines in order to establish fares between Xian (SIA, China) and Bangkok (BKK, Thailand) due to the commencement of direct service between these points.

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

TC3
SPECIAL PASSENGER AMENDING RESOLUTION BETWEEN CHINA
(EXCLUDING HONG KONG SAR AND MACAU SAR) AND THAILAND

PTC3(Mail 233)010a			New
Filing Period:	Begins: 4 September 2002 Ends: 12 September 2002	Intended Effectiveness: 20 September 2002 Expiry:	Indefinite
			Type: B

RESOLVED that, fares between Xian (SIA, China) and Bangkok (BKK, Thailand) are established as follows:

From BKK to SIA (CCY/THB)

Fare type	Fare level	Reso	GI
F OO	20370	053B	EH
F RT	38800	053B	EH
C OO	17460	043B	EH
C RT	33255	043B	EH
Y OO	14550	063B	EH
Y RT	27710	063B	EH
MEE45 RT	20785	070UU	EH

From SIA to BKK(CCY/CNY)

F OO	4640	053B	EH
F RT	8820	053B	EH
C OO	3970	043B	EH
C RT	7560	043B	EH
Y OO	3310	063B	EH
Y RT	6300	063B	EH
MEE45 RT	4410	070UU	EH