

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

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

Docket OST-2003-

APPLICATION FOR APPROVAL OF AGREEMENTS
BY THE
INTERNATIONAL AIR TRANSPORT ASSOCIATION

28 February 2003

Communications with respect to
this document should be sent to:

David M. O'Connor
Senior Director, United States
International Air Transport Association
1776 K St. N.W. Suite 400
Washington, D.C. 20006

(202) 293-9292

Summary	DOCKET: OST-2003-	DOT ORDER: pending
---------	--------------------------	---------------------------

Date: 28 February 2003

Filing fee/IATA Acct: \$122 - A605/9329

US/UST involved: Yes

End of Government Filing Period: 12 March 2003

Intended effective date: **15 March 2003**

Agreement: **PTC COMP 1016** dated 4 March 2003

Mail Vote 269 - Resolution 010q r1-r2

TC2/TC12/TC23 Special Passenger Amending Resolution
from Egypt

r-1--010q

r-2--071ea

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.

Insofar as this agreement concerns fares or rates between non-U.S. points, in which respect they have at most indirect application in foreign air transportation, the U.S. authorities have recognized (e.g, Order 79-8-194, 30 August 1979) that the interests of other 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 or in violation of the Act and, therefore, full immunity should be granted.

Respectfully submitted:

David M. O'Connor
Senior Director, 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

28 February 2003
Date Served



International Air Transport Association

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

4 March 2003

M E M O R A N D U M

PTC COMP 1016

TO: Members Participating in Tariff Coordinating Conferences (SP-2472)

FROM: Senior Director, Interline and Revenue Management Services

SUBJECT: **Mail Vote 269** - Resolution 010q
TC2/TC12/TC23 Special Passenger Amending Resolution from Egypt
Intended Effective Date: 15 March 2003

VOTING RESULT - AFFIRMATIVE

This confirms message TW756 of 28 February 2003 which declared the above mentioned Mail Vote adopted as circulated by TW752 dated 18 February 2003 and amended by TW753 and TW755 dated 20 and 25 February 2003.

The filing period for the attached Resolution(s) ends **12 March 2003**. 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.

Egyptair requested this Mail Vote to increase fares from Egypt worldwide for intended effectiveness 15 March 2003 to offset currency depreciation due to recent 19.2% devaluation of the Egyptian Pound (EGP). For the same intended effective date MS also proposed to reinstate excursion fares between Egypt and Jordan/Lebanon/Syria cancelled at last TC2 Within Middle East meeting. These would be the only special fares in these markets.

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

**TC2/TC12/TC23
SPECIAL PASSENGER AMENDING RESOLUTION
FROM EGYPT**

PTC2(Mail 269)010q PTC12(Mail 269)010q PTC23(Mail 269)010q	Amending		
Filing Period:	Begins: 1 March 2003 Ends: 12 March 2003	Intended Effectiveness: Expiry:	15 March 2003 Indefinite
			Type: B

RESOLVED that,

- A. from Egypt to TC2 (except to Algeria), TC3, normal and special fares are increased by 19%.
- B. from Egypt to TC1, normal and special fares are increased by 14%.

Note: 5% expedited increase intended effective 15Mar03 was adopted at recent TC1-Middle East meeting from Egypt to North Atlantic and by Mail Vote 266 to Mid/South Atlantic.

- C. Resolution 071ea - Excursion Fares Within Middle East

- 1. fares are introduced between Egypt and Jordan, Lebanon, Syria as follows:

From	To	Ccy	Fare
ALY/CAI	ALP/AMM/BEY/DAM	EGP	1158
ALP/DAM	ALY/CAI	SYP	14743
AMM	ALY/CAI	JOD	192.8
BEY	ALY/CAI	USD	310

- 2. Paragraph 7)a) Maximum Stay is amended as follows:

new exception added to read:

- a) between Egypt and Jordan, Lebanon, Syria: 2 months

Subsequent exceptions are renumbered accordingly.