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

8 April 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

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frgn-mv

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

Date: 8 April 2003
Filing fee/IATA Acct: $122 - 2003-56
US/UST involved: No
End of Government Filing Period: 11 April 2003
Intended effective date: **15 April 2003**
Agreement: **PTC23 ME-TC3 0172**dated 11 April 2003
Mail Vote 291 - Resolution 010f TC23/123 Middle East-South East Asia Special Passenger Amending Resolution from Chinese Taipei
PTC23 AFR-TC3 0198 dated 11 April 2003
Mail Vote 291 - Resolution 010f TC23/123 Africa-South East Asia Special Passenger Amending Resolution from Chinese Taipei

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:

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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

8 April 2003
Date Served

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

11 April 2003

M E M O R A N D U M

PTC23 ME-TC3 0172

TO: Members Participating in Tariff Coordinating Conferences (SP-2602)

FROM: Director, Interline Tariffs

SUBJECT: **Mail Vote 291** - Resolution 010f
TC23/TC123 Special Passenger Amending Resolution from Chinese Taipei
Intended Effective Date: 15 April 2003

VOTING RESULT - AFFIRMATIVE

This confirms message TE452 of 7 April 2003 which declared the above mentioned Mail Vote adopted as circulated by TE449 dated 31 March 2003.

The filing period for the attached Resolution(s) ends **11 April 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.

Increases from Chinese Taipei to South East Asia for intended effect 1 April 2003 were adopted by Mail Vote 246. The Government of Chinese Taipei has disapproved these increases as advised in TE447 dated 26 March 2003, confirmed by Memorandum PTC23 ME-TC3 0169 dated 1 April 2003. Changes from Chinese Taipei other than increases were approved. In accordance with action recommended by the database working group and endorsed by the July 2000 Composite meeting it is proposed to remove increases where IATA has been notified of Government disapproval.

Maggie Ashworth
Assistant Director, Conference Services
Interline Tariffs

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TC23/TC123
MIDDLE EAST-SOUTH EAST ASIA
SPECIAL PASSENGER AMENDING RESOLUTION
FROM CHINESE TAIPEI

PTC23(Mail 291)**010f**				New
PTC123Mail 291)**010f**				
Filing Period:	Begins:	8 April 2003	Intended Effectiveness:	15 April 2003
	Ends:	11 April 2003	Expiry:	Indefinite
				Type: B

RESOLVED that,

fares from Chinese Taipei to Middle East bearing intended effective date 1 April 2003 are amended as follows:

Normal and Special fares in Resolutions 045m/055m/065m/070q/084k are rolled back by 5% (divide by 1.05 and round down) except as follows

A. to Egypt, Kuwait, Saudi Arqabia, Syria, Yemen: rolled back by 2% (divide by 1.02 and round down)

B. to Iran: status quo

Note: increases from Chinese Taipei in Resolution 002m adopted at Special Composite meeting held in Geneva 17-18 March 2003 for intended effectiveness 15 April 2003 will be applied on amended base levels resulting from this Mail Vote.

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

11 April 2003

M E M O R A N D U M

PTC23 AFR-TC3 0198

TO: Members Participating in Tariff Coordinating Conferences (SP-2601)

FROM: Director, Interline Tariffs

SUBJECT: **Mail Vote 291** - Resolution 010f
TC23/TC123 Special Passenger Amending Resolution from Chinese Taipei
Intended Effective Date: 15 April 2003

VOTING RESULT - AFFIRMATIVE

This confirms message TE452 of 7 April 2003 which declared the above mentioned Mail Vote adopted as circulated by TE449 dated 31 March 2003.

The filing period for the attached Resolution(s) ends **11 April 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.

Increases from Chinese Taipei to Africa for intended effect 1 April 2003 were adopted by Mail Vote 250. The Government of Chinese Taipei has disapproved these increases as advised in TE424 dated 31 March 2003, confirmed by Memorandum PTC23 AFR-TC3 0194 dated 7 March 2003. Changes from Chinese Taipei other than increases were approved. In accordance with action recommended by the database working group and endorsed by the July 2000 Composite meeting it is proposed to remove increases where IATA has been notified of Government disapproval.

Maggie Ashworth
Assistant Director, Conference Services
Interline Tariffs

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TC23/TC123
AFRICA-SOUTH EAST ASIA
SPECIAL PASSENGER AMENDING RESOLUTION
FROM CHINESE TAIPEI

PTC23(Mail 291)**010f**				New
PTC123Mail 291)**010f**				
Filing Period:	Begins:	8 April 2003	Intended Effectiveness:	15 April 2003
	Ends:	11 April 2003	Expiry:	Indefinite
				Type: B

RESOLVED that,

fares from Chinese Taipei to Africa bearing intended effective date 1 April 2003 are amended as follows:

1. Normal and Special fares in Resolutions 045n/055n/065n/071r/078h/086mm are rolled back by 5% (divide by 1.05 and round down)

2. Normal one way FOO/COO/YOO fares in Resolutions 045n/055n/065n are re-established at 55% of new round trip levels

Note: increases from Chinese Taipei in Resolution 002m adopted at Special Composite meeting held in Geneva 17-18 March 2003 for intended effectiveness 15 April 2003 will be applied on amended base levels resulting from this Mail Vote.