

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

23 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

(202) 293-9292

Summary	DOCKET: <b>OST-2003-</b>	DOT ORDER: <b>pending</b>
---------	--------------------------	---------------------------

Date: 23 April 2003

Filing fee/IATA Acct: \$488 - A605-9329

US/UST involved: No

End of Government Filing Period: 28 April 2003

Intended effective date: **1 May 2003**

Agreement: **PTC3 0641** dated 23 April 2003

**Mail Vote 296** - Resolution 010k

TC3 Between Japan, Korea and South East Asia

Special Passenger Amending Resolution between China (excluding Hong Kong SAR and Macao SAR) and Japan. Fares between Yantai and Osaka, between Nanjing and Tokyo

### **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  
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

23 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

23 April 2003

### **M E M O R A N D U M**

PTC3 0641

TO: Members Participating in Tariff Coordinating Conferences (SP-2632)

FROM: Director, Interline Tariffs

Subject: **Mail Vote 296 - Resolution 010k**  
TC3 Between Japan, Korea and South East Asia  
Special Passenger Amending Resolution between China  
(excluding Hong Kong SAR and Macao SAR) and Japan  
Fares between Yantai and Osaka, between Nanjing and Tokyo  
Intended Effective Date: 1 May 2003

---

### **VOTING RESULT - AFFIRMATIVE**

This confirms message QT1742 of 17 April 2003 which declared the above Mail Vote adopted as circulated by message TD234 dated 10 April 2003.

The filing period for the attached Resolution ends **28 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.

China Eastern Airlines requests this mail vote in order to establish fares between Yantai (YNT) and Osaka (OSA), and between Nanjing (NKG) and Tokyo (TYO) due to the commencement of direct service between these points.

Maggie Ashworth  
Assistant Director, Conference Services  
Interline Tariffs

lm

Tel: +41 (22) 770 25 25 • Fax: +41 (22) 770 26 84 • TTY: GVAQTXB • e-mail: tariffs@iata.org

**TC3**  
**SPECIAL PASSENGER AMENDING RESOLUTION**  
**BETWEEN JAPAN AND**  
**CHINA (EXCLUDING HONG KONG SAR AND MACAO SAR)**

PTC3(Mail 296)010k				Amending
Filing Period	Begins	17 April 2003	Intended Effectiveness	1 May 2003
	Ends	28 April 2003	Expiry	31 March 2004
				Type B

RESOLVED that, fares between Yantai and Osaka, and between Nanjing and Tokyo are adopted as follows

FROM OSA TO YNT (CCY/JPY)

FARE TYPE	FARE LEVEL	RESO	GI
F OO	137800	053I	EH
F RT	239200	053I	EH
C OO	98800	043I	EH
C RT	171500	043I	EH
Y OO	83100	063I	EH
Y RT	147500	063I	EH
Y2 OW	78900	063II	EH
Y2 RT	140600	063II	EH
MHPX21 RT	134000	076T	EH
MKPX21 RT	127000	076T	EH
MJPX21 RT	113000	076T	EH
MFPX21 RT	100000	076T	EH
MLPX21 RT	93000	076T	EH
MHIT21 RT	124000	081MM	EH
MKIT21 RT	117000	081MM	EH
MJIT21 RT	103000	081MM	EH
MFIT21 RT	90000	081MM	EH
MLIT21 RT	83000	081MM	EH
MHGP50 RT	107000	092V	EH
MKGP50 RT	104000	092V	EH
MJGP50 RT	89000	092V	EH
MFGP50 RT	86000	092V	EH
MLGP50 RT	60000	092V	EH

## FROM YNT TO OSA(CCY/CNY)

FARE	TYPE	FARE LEVEL	RESO	GI
F	OO	5840	053I	EH
F	RT	11090	053I	EH
C	OO	4870	043I	EH
C	RT	9240	043I	EH
Y	OO	3890	063I	EH
Y	RT	7380	063I	EH
MHPX1M	RT	6950	076T	EH
MLPX1M	RT	6220	076T	EH
MHGZ10	RT	6220	087K	EH
MLGZ10	RT	5630	087K	EH

## FROM TYO TO NKG (CCY/JPY)

FARE	TYPE	FARE LEVEL	RESO	GI
F	OO	153400	053I	EH
F	RT	267500	053I	EH
C	OO	110200	043I	EH
C	RT	191700	043I	EH
Y	OO	92400	063I	EH
Y	RT	164900	063I	EH
Y2	OW	89900	063II	EH
Y2	RT	162400	063II	EH
MHPX21	RT	152000	076T	EH
MKPX21	RT	146000	076T	EH
MJPX21	RT	139000	076T	EH
MFPX21	RT	114000	076T	EH
MLPX21	RT	111000	076T	EH
MHIT21	RT	142000	081MM	EH
MKIT21	RT	136000	081MM	EH
MJIT21	RT	129000	081MM	EH
MFIT21	RT	104000	081MM	EH
MLIT21	RT	101000	081MM	EH
MHGP50	RT	134000	092V	EH
MKGP50	RT	119000	092V	EH
MJGP50	RT	106000	092V	EH
MFGP50	RT	95000	092V	EH
MLGP50	RT	80000	092V	EH

## FROM NKG TO TYO(CCY/CNY)

FARE	TYPE	FARE LEVEL	RESO	GI
F	OO	7530	053I	EH
F	RT	14270	053I	EH
C	OO	6280	043I	EH
C	RT	11950	043I	EH
Y	OO	5020	063I	EH
Y	RT	9530	063I	EH
MHPX1M	RT	8950	076T	EH
MLPX1M	RT	8010	076T	EH
MHGZ10	RT	8010	087K	EH
MLGZ10	RT	7280	087K	EH

Note: the above proposed levels reflect increases adopted at the Special Composite meeting reflected in Resolution 002mm.

---