

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

24 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: OST-2003-	DOT ORDER: pending
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Date: 24 April 2003

Filing fee/IATA Acct: \$61 - A605-9329

US/UST involved: No

End of Government Filing Period: 1 May 2003

Intended effective date: **1 June 2003**

Agreement: **PTC3 0642** dated 22 April 2003

Mail Vote 297 - Resolution 0101

TC3 Between Japan, Korea and South East Asia

Special Passenger Amending Resolution between Japan and 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:

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

24 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

22 April 2003

M E M O R A N D U M

PTC3 0642

TO: Members Participating in Tariff Coordinating Conferences (SP-2635)

FROM: Director, Interline Tariffs

SUBJECT: **Mail Vote 297 - Resolution 010i**
TC3 Passenger Tariff Coordinating Conference
between Japan, Korea and South East Asia
Special Passenger Amending Resolution
between Japan and Chinese Taipei
Intended Effective Date: 1 June 2003

VOTING RESULT - AFFIRMATIVE

This confirms message TE458 of 22 April 2003 which declared the above-mentioned Mail Vote adopted as circulated by TD236 dated 11 April 2003.

The filing period for the attached Resolution ends **1 May 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.

This Mail Vote was issued at the request of Eva Air in order to establish fares between Sapporo (SPK) and Kaohsiung (KHH) and Taipei (TPE) due to the commencement of direct services between these points.

Maggie Ashworth
Assistant Director, Conference Services
Interline Tariffs

jm

TC3
SPECIAL PASSENGER AMENDING RESOLUTION
BETWEEN JAPAN, KOREA AND SOUTH EAST ASIA

PTC3(Mail 297)010i

New

Filing Period	Begins	22 April 2003	Intended Effectiveness	1 June 2003
	Ends	1 May 2003	Expiry	31 March 2004
				Type B

RESOLVED that, fares between Sapporo (SPK) and Kaohsiung (KHH), Taipei (TPE) are amended to the following

From	To	Fare Type	Fare Level	Reso	
SPK	KHH	FOO	159500	053i	
		FRT	299300	053i	
		COO	124800	043i	
		CRT	225000	043i	
		YOO	110600	063i	
		YRT	203200	063i	
		Y2OO	106400	063ii	
		Y2RT	195900	063ii	
		TPE	FOO	151200	053i
			FRT	283500	053i
			COO	115800	043i
			CRT	209700	043i
			YOO	103000	063i
			YRT	189800	063i
Y2OO	99200		063ii		
Y2RT	183300		063ii		
KHH	SPK	FOO	32370	053i	
		FRT	56281	053i	
		COO	27994	043i	
		CRT	48989	043i	
		YOO	22905	063i	
		YRT	40507	063i	
		MEE14RT	34431	070t	
		MGV10RT	30381	085t	
		TPE	FOO	30142	053i
			FRT	52568	053i
COO	26150		043i		
CRT	45916		043i		
YOO	21508		063i		
YRT	38180		063i		
MEE14RT	32453		070t		
MGV10RT	28635		085t		

IATA Notes

- 1 from Japan: the above proposed levels reflect the increase adopted by the Special Composite Meeting in Resolution 002mm
- 2 from Chinese Taipei: Resolution 002mm increases are not reflected in the amended levels as these increases have been disapproved from Chinese Taipei.