

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

DEPT. OF TRANSPORTATION
DOCKETS

2003 JUN 10 P 2: 28

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

Docket OST-2003-**15391**

**APPLICATION FOR APPROVAL OF AGREEMENTS
BY THE
INTERNATIONAL AIR TRANSPORT ASSOCIATION**

June 10, 2003

Communications with respect to
this document should be sent to:

David M. O'Connor
Director - United States
International Air Transport Association
1776 K St. N.W. #400
Washington, D.C. 20006
(202) 293-9292

Summary

DOCKET: OST-2003-

DOT ORDER: pending

Date: June 10, 2003

Filing fee/IATA Acct: \$488 – A348

US/UST involved?: no

Intended effective date: **1 October 2003**

Meeting date/time: 31st CAC held in Long Beach, Calif., on 13 March 2003

Agreement: **CAC/31/Meet/006/03** dated 30 May 2003

Finally Adopted Resolutions r1-r8

CAC/31/Meet/004/03 dated 8 May 2003 -- MINUTES

Summary is included.

r1 801r
r2 805
r3 805zz
r4 809
r5 823
r6 851
r7 851f
r8 853

APPLICATION FOR APPROVAL OF AGREEMENTS

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 materials 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 Agency Conferences through which IATA Member airlines establish standardized agency arrangements intended to govern agent practices in countries other than the United States. The agreement 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, which makes

amendments to the framework agreements forming the charter for ongoing agency programs and/or creates new resolutions pursuant to that framework, should be viewed as part of a dynamic process of IATA Member airline adjustment to governmental and economic factors.

On previous occasions, the Department and CAB have found these framework agreements to be consistent with the public interest. The present agreement does not impair the previous bases for approval and itself is not adverse to the public interest. 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 Agency 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. The subject agreement applies only to marketing arrangements in foreign countries. Department and CAB policy has recognized that U.S. regulatory concerns are more limited than those of other countries and has given special weight to the important public benefit of foreign policy and comity.

Respectfully submitted:




David M. O'Connor
Director, U.S.
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 persons:

Chief, Transportation, Energy
& Agriculture Section
Antitrust Division
Department of Justice
Washington D.C. 20530


David M. O'Connor

June 10, 2003
Date Served