

BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.

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

Docket OST-Pending

APPLICATION FOR APPROVAL OF AGREEMENTS  
BY THE  
INTERNATIONAL AIR TRANSPORT ASSOCIATION

21 September 2005

Communications with respect to  
this document should be sent to

Douglas Lavin  
Regional Vice President – North America  
International Air Transport Association  
1750 K St. N.W. #12<sup>th</sup> Floor  
Washington, D.C. 20006  
(202) 293-9292

Date: 21 September 2005  
Filing fee / IATA Acct: USD 61 / 2005-28  
US/UST involved: Yes  
End of Government Filing Period: 7 October 2005  
Meeting site, date: **Mail Vote 456 - Resolution 010w**  
TC3 Within South East Asia Special Passenger Amending  
Resolution  
between China (excluding Hong Kong SAR, Macao SAR) and  
Russia (in Asia)

Intended effective date: 15 October 2005

Agreement: **Mail Vote 456 - Resolution 010w**  
TC3 Within South East Asia Special Passenger Amending  
Resolution  
between China (excluding Hong Kong SAR, Macao SAR) and  
Russia (in Asia)

r1 010w

## **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, should be granted full immunity.

Respectfully submitted

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Douglas Lavin  
Regional Vice President – North America  
International Air Transport Association

**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

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Douglas Lavin

21 September 2005  
Date Served



19 September 2005

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

PTC3 0884

TO: Members Participating in Tariff Coordinating Conferences (SP-4105)

FROM: Director, Interline Tariffs

SUBJECT: **Mail Vote 456 - Resolution 010w**  
TC3 Within South East Asia Special Passenger Amending Resolution  
between China (excluding Hong Kong SAR, Macao SAR) and Russia (in  
Asia)  
Intended Effective Date: 15 October 2005

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**MAIL VOTE - ADOPTION**

As no negative votes were cast during the voting period which expired 1400 hours Geneva time 16 September 2005, Mail Vote 456, as circulated by MV456-1 dated 9 September 2005, is declared adopted on 16 September 2005.

Vladivostok Air is proposing to amend fare levels between Vladivostok (VVO) and Harbin (HRB).

The filing period for this Mail Vote ends 7 **October 2005**. 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.

Wendy Hines  
Manager, Tariff Meetings  
Interline Tariffs



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

<b>PTC3(Mail 456)010w</b>				<b>New</b>
Filing Period	Begins 19 September 2005	Intended Effectiveness	15 October 2005	
	Ends 7 October 2005	Expiry	31 March 2006	
				Type B

RESOLVED that, specified fares are amended as follows:

- 1) between Harbin (HRB) and Vladivostok (VVO) as follows

From	To	CCY	Reso	Fare Basis	Fare Level
Harbin (HRB)	Vladivostok (VVO)	CNY	043b	COO	2030
				CRT	3900
			063b	YOO	1790
				YRT	3410
Vladivostok (VVO)	Harbin (HRB)	USD	043b	COO	250
				CRT	480
			063b	YOO	220
				YRT	420