

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

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

Docket OST-2005-

APPLICATION FOR APPROVAL OF AGREEMENTS
BY THE
INTERNATIONAL AIR TRANSPORT ASSOCIATION

13 October 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. #12th Floor
Washington, D.C. 20006
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Summary	DOCKET: OST-2005-	US DOT ORDER: pending
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Date: 13 October 2005
Filing fee / IATA Acct: USD 61 / 2005-48
US/UST involved: No
End of Government Filing Period: 25 October 2005
Meeting site, date: Geneva and Teleconference, 26-28 September 2005

Intended effective date: **1 December 2005**

Agreement: TC23/123 Passenger Tariff Coordinating Conferences
Geneva and Teleconference, 26-28 September 2005
**TC23/123 Europe-South East Asia Expedited
Resolution 002bh (Memo 0212)**

r1 002bh

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 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, 30 August 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 or in violation of the Act and, therefore, should be granted full immunity.

Respectfully submitted

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

Douglas Lavin

13 October 2005
Date Served



3 October 2005

M E M O R A N D U M

PTC23 EUR-SEA 0212

TO: Members Participating in Tariff Coordinating Conferences

FROM: Director, Interline Tariffs

SUBJECT: TC23/123 Passenger Tariff Coordinating Conferences (SP-4140)
Geneva and Teleconference, 26-28 September 2005
TC23/123 Europe-South East Asia Expedited Resolution 002bh
Intended Effective Date: 1 December 2005

RESOLUTION - ADOPTED

Attached is the TC23/123 Europe- South East Asia Resolution 002bh which was adopted at the above meeting for an intended effective date of 1 December 2005.

The filing period for the attached Resolution ends **25 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.

Alban Sato
Manager, Tariffs Meetings
Interline Tariffs

International Air Transport Association

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RESOLUTIONS ADOPTED AT
TC23/TC123
PASSENGER TARIFF COORDINATING CONFERENCE

BETWEEN EUROPE AND SOUTH EAST ASIA

GENEVA, 26-28 SEPTEMBER 2005

EXPEDITED EFFECTIVE DATE: 1 DECEMBER 2005

RESO	TITLE	COMMENTS	RD
<u>002bh</u>	<u>Special Amending Resolution</u> <u>between Europe and South East Asia</u>	New	1

**EXPEDITED
TC23/TC123
SPECIAL AMENDING RESOLUTION
BETWEEN EUROPE AND SOUTH EAST ASIA**

PTC23(141)002bh				New
PTC123(154)002bh				
Filing Period	Begins	15 October 2005	Intended Effectiveness	1 December 2005
	Ends	25 October 2005	Expiry	31 March 2006
				Type B

RESOLVED that, for application in the TC23/TC123 Europe-South East Asia sub-area

- 1 children & infants fares in Paragraph 19) are amended in accordance with the Attachment to this Resolution

CHILDREN AND INFANTS

The following changes were agreed to Children and Infants Discounts

CHILDREN

Accompanied children aged 2-11 years - Paragraph 19)A)1)a)

Resos	Current	New
045b, 065b, 072x, 081p	75% (Reso 100/101) except 67% from Scandinavia	75%
055b	75% (Reso 100/101) except 100% from Switzerland	
071hh, 071z, 076tt, 078i	75% (Reso 100/101)	

INFANTS

Accompanied infant - booked seat - Paragraph 19)A)2)a)ii)

Resos	Current	New
045b, 065b, 072x, 081p	75% (Reso 100/101) except 67% from Scandinavia	75%
055b	75% (Reso 100/101) except 100% from Switzerland	
071hh, 071z, 076tt, 078i	75% (Reso 100/101)	

TC23/TC123 EUROPE-SOUTH EAST ASIA

DESCRIPTION OF AGREEMENT (excluding USA/US Territories)

Effective 1 December 2005

The TC23/123 Europe-South East Asia Conference met 26-28 September 2005 in Geneva to develop an agreement intended effective 1 April 2006. The following change was agreed for earlier expedited effectiveness 1 December 2005.

67% exception from Scandinavia for accompanied children and accompanied infant with booked seat deleted; standard 75% condition will now apply.