

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

7 November 2005
Communications with respect to
this document should be sent to

Douglas Lavin
Regional Vice President – North America
International Air Transport Association
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Washington, D.C. 20006
(202) 293-9292

| | | |
|---------|--------------------------|------------------------------|
| Summary | DOCKET: OST-2005- | US DOT ORDER: pending |
|---------|--------------------------|------------------------------|

Date: 7 November 2005
Filing fee / IATA Acct: USD 61 / 2005-54
US/UST involved: No
End of Government Filing Period: 11 November 2005
Meeting site, date: Mail Vote 458
Intended effective date: **15 January 2006**

Agreement: TC23/TC123 **Mail Vote 458**
between Middle East and South East Asia
Geneva, 12-14 September 2005

r1

r1 002aq

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

7 November 2005
Date Served



11 October 2005

M E M O R A N D U M

PTC23 ME-TC3 0252

TO: Members Participating in Tariff Coordinating Conferences (SP-4162)

FROM: Director, Interline Tariffs

SUBJECT: TC23/TC123 **Mail Vote 458**
between Middle East and South East Asia
Geneva, 12-14 September 2005
Intended Effective Date: 15 January 2006

MAIL VOTE - ADOPTION

As no negative votes were cast during the voting period which expired 1400 hours Geneva time 7 October 2005 Mail Vote 458, as circulated by MV458-1 dated 29 September 2005 is declared adopted.

TC Members met 12-14 September 2005 in Geneva to develop a fares agreement for TC23/TC123 Middle East-South East Asia. A quorum was not achieved and in accordance with Section VI, Paragraph 9 of the Provisions for the Conduct of IATA Traffic Conferences, the meeting reviewed all items on the agenda and developed recommendations for adoption by this Mail Vote. This Mail Vote contains recommended changes to the current agreement, for effect 15 January 2006.

The filing period for this Mail Vote ends **11 November 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

International Air Transport Association

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**TC23/TC123
PASSENGER TARIFF COORDINATING CONFERENCE**

BETWEEN MIDDLE EAST AND SOUTH EAST ASIA

GENEVA, 12-14 SEPTEMBER 2005

EXPEDITED EFFECTIVE DATE: 15 JANUARY 2006

| RESO | TITLE | COMMENTS | RD |
|--------------|--|------------|----|
| <u>002aq</u> | <u>Special Amending Resolution between Middle East and South East Asia</u> | <u>New</u> | 2 |

EXPEDITED

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

| | | | | |
|-----------------------|--------|------------------|------------------------|-----------------|
| PTC23(Mail 458)002aq | | | | New |
| PTC123(Mail 458)002aq | | | | |
| Filing Period | Begins | 17 October 2005 | Intended Effectiveness | 15 January 2006 |
| | Ends | 11 November 2005 | Expiry | 31 March 2007 |
| | | | | Type B |

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

fares Attachments to Resolutions are amended in accordance with the Attachment to this Resolution

EXPEDITED: 15 January 2006

ONE WAY NORMAL FARES

Between Egypt (EG) and South East Asia, one way (OO) fares re-established at 55% of RT levels where lower.

