

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

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

Docket OST-2006-****

APPLICATION FOR APPROVAL OF AGREEMENTS
BY THE
INTERNATIONAL AIR TRANSPORT ASSOCIATION

24 April 2006
Communications with respect to
this document should be sent to

Douglas Lavin
Regional Vice President – North America
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Date: 24 April 2006

Filing fee / IATA Acct: USD 61 / 2005-58

US/UST involved: No

End of Government Filing Period: 11 May 2006

Meeting site, date: **Mail Vote 486 - Resolution 010m**

Intended effective date: **1 April 2006**

Agreement: **Mail Vote 486 - Resolution 010m**
TC123 South Atlantic
Special Passenger Amending Resolution from Singapore (SG)
to South Atlantic (**Memo 0330**)

r1 010m

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

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

24 April 2006
Date Served



20 April 2006

M E M O R A N D U M

PTC123 0330

TO: Members Participating in Tariff Coordinating Conferences (SP-4540)

FROM: Director, Interline Tariffs

SUBJECT: **Mail Vote 486 - Resolution 010m**
TC123 South Atlantic
Special Passenger Amending Resolution from Singapore (SG) to South Atlantic
Intended Effective Date: 11 May 2006

MAIL VOTE - ADOPTION

As no negative votes were cast during the voting period which expired 1400 hours Geneva time 20 April 2006, Mail Vote 486, as circulated by MV486-1 dated 13 April 2006, is declared adopted on 20 April 2006.

The TC123 South Atlantic meeting held in Bangkok, 24 October-1 November 2005, adopted increases to fare levels from Singapore (SG) to South Atlantic for intended effectiveness 15 December 2005. As advised by QT2934 dated 29 March 2006, confirmed by Memorandum PTC123 0328 dated 29 March 2006, these increases were disapproved.

In accordance with the action recommended by the Database Working Group and endorsed by the Composite meeting of July 2000, it is proposed to amend levels where IATA has been notified that these have not received government approval.

The filing period for this Mail Vote ends **9 May 2006**. 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, Tariff Meetings
Interline Tariffs

International Air Transport Association

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TC123
SPECIAL PASSENGER AMENDING RESOLUTION
FROM SINGAPORE TO SOUTH ATLANTIC

PTC123(Mail 486)010m				New
Filing Period	Begins	20 April 2006	Intended Effectiveness	11 May 2006
	Ends	9 May 2006	Expiry	Indefinite
				Type B

RESOLVED that, normal and special fares from Singapore to South Atlantic are amended to government approved levels as shown in the attachment.