

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

28 June 2006
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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Summary	DOCKET: OST-2006-	US DOT ORDER: pending
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Date: 28 June 2006
Filing fee / IATA Acct: USD 61 / 0000-58
US/UST involved: yes
End of Government Filing Period: 5 July 2006
Meeting site, date: **Mail Vote 494**
Intended Effective Date: 13 July 2006

Agreement**Mail Vote 494 – Resolution 010s**

TC31 North & Central Pacific
Between TC3 (except Japan) and North America, Caribbean
Special Passenger Amending Resolution
From Hong Kong SAR, Macao SAR to North America,
Caribbean (**Memo 0365**)

R1 010s

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

28 June 2006
Date Served



27 June 2006

M E M O R A N D U M

PTC31 N&C/CIRC 0365

TO: Members Participating in Tariff Coordinating Conferences (SP-4582)

FROM: Director, Interline & Revenue Management Solutions

SUBJECT: Mail Vote 494 – Resolution 010s

TC31 North & Central Pacific

Between TC3 (except Japan) and North America, Caribbean

Special Passenger Amending Resolution

From Hong Kong SAR, Macao SAR to North America, Caribbean

Intended Effective Date: **13 July 2006**

MAIL VOTE - ADOPTED

As no negative votes were cast during the voting period which expired 1400 hours Geneva time 27 June 2006, Mail Vote 494, as circulated by MV494-1 dated 16 June 2006, is declared adopted on 27 June 2006.

Per the last Status of Agreement (Memorandum PTC31 N&C/CIRC 0364 dated 16 June 2006), the Hong Kong government has advised that this increase has been disapproved.

In accordance with the action recommended by the Data Base Working Group and endorsed by the Composite meeting of July 2000, it is proposed to remove the increase where IATA has been notified that this has not received government approval.

Consequently, the increase for economy class normal fares from Macao SAR for intended effect 1 January 2006 will also be removed, in order to maintain current relationship.

Also included are the fares resulting from the above action.

The filing period for this Mail Vote ends **5 July 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 & Revenue Management Solutions

International Air Transport Association

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**TC31 NORTH AND CENTRAL PACIFIC
SPECIAL PASSENGER AMENDING RESOLUTION
FROM HONG KONG SAR, MACAO SAR TO NORTH AMERICA, CARIBBEAN**

PTC31(Mail 494)010s			New
filing Period	Begins 28 June 2006 Ends 5 July 2006	Intended Effectiveness Expiry	13 July 2006 Indefinite
			Type B

RESOLVED that, normal economy (Y) class fares from Hong Kong SAR (HK), Macao SAR (MO) are amended as shown below:

1. From Hong Kong SAR (HK), Macao SAR (MO) to North America, Caribbean, normal economy (Y) class fares are rolled back to levels effective 31 December 2005.