

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

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

Docket OST-2006-25170

APPLICATION FOR APPROVAL OF AGREEMENTS
BY THE
INTERNATIONAL AIR TRANSPORT ASSOCIATION

TECHNICAL CORRECTION

25 July 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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APPLICATION FOR APPROVAL OF AGREEMENT

TECHNICAL CORRECTION

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.

The agreement contained in that application has now been amended/corrected. Listed below is the IATA Cargo Agency Conference documentation containing those changes. Attached is a check for 244 USD to cover the filing fee

Correction filing date:	25 July 2006
Filing Fee / IATA Account	USD 244 / A395
Re: Correction to Docket	OST-2006-25170
Memo:	CAC/34/Meet/012/06 dated 25 July 2006
Corrects:	CAC/34/Meet/011/06 dated 15 June 2006

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 Agency 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. The subject agreement applies only to marketing arrangements in foreign countries. Department and CAB policy has recognized that U.S. regulatory concerns are more limited than those of other countries and has given special weight to the important public benefit of foreign policy and comity.

Respectfully submitted:

Douglas Lavin
Regional Vice-President, North America
International Air Transport Association

Attorney-in-fact

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 persons:

Chief, Transportation, Energy
& Agriculture Section
Antitrust Division
Department of Justice
Washington D.C. 20530

Douglas Lavin

25 July, 2006
Date Served

25 July 2006

M E M O R A N D U M

CAC/34/Meet/012/06

TO: All Members of IATA
Cargo Agency Conference Accredited Representatives
Alternates to the Cargo Agency Conference

FROM: Director, Cargo Distribution

SUBJECT: **FINALLY ADOPTED RESOLUTIONS –**
34th IATA CARGO AGENCY CONFERENCE (CAConf/34)
Shanghai, China, 16th February, 2006

**NORMAL RESOLUTIONS 801/801a/801r/801re/803/805/
805zz/807/809/809zz/813/815/815e**

TECHNICAL CORRECTION

Members are referred to Memorandum CAC/34/Meet/011/06 dated 15th June 2006 which circulated the 34th IATA CARGO AGENCY CONFERENCE (CAConf/34) NORMAL RESOLUTIONS 801/801a/801r/801re/803/805/ 805zz/807/809/809zz/ 813/815/815e and are requested to note the following technical correction and to file it with their Government Authorities wherever necessary.

Resolution	Correction
803	Paragraph 2.1.1.2(b)(iii) is amended as follows a course of formal instruction offered by a training establishment that has been appraised and endorsed by the IATA <u>as an Accredited Training School (ATS).</u>
803	Attachment A Paragraph 1.4.1.2 is amended as follows alternatively, a Member may inform such Agent-Intermediary , in writing with copy to the Agency Administrator... Paragraph 4.7.3 is amended as follows <u>...Cargo Agency-Intermediary Agreement...</u>
805zz	Attachment B Paragraph 1.1.4 amended as follows <u>Notwithstanding Paragraphs 1.1 through 1.1.2c an applicant may apply to be registered as an IATA Intermediary (non Dangerous Goods Handler) provided it complies with all other accreditation criteria and has submitted declaration Attachment “B” Appendix 3 advising that its nominated Dangerous Goods handling Partner shall not accept nor make ready for carriage any consignment containing Dangerous Goods.</u>

Resolution

Resolution 805zz

Correction

Attachment "B" Appendix 3 is amended as follows

To: _____ IATA Cargo Intermediary:
Agency Administrator _____ (Name)
International Air Transport Association (Address)
_____ (Numeric Code)

DANGEROUS GOODS: NON HANDLING DECLARATION

Pursuant to the provisions of Section 1, paragraph 1.1.4 of the European Air Cargo Programme Rules we hereby confirm that the above named IATA Cargo Intermediary elects not to accept nor make ready for carriage any consignment containing Dangerous Goods.

It is further acknowledged that failure to comply with this declaration will result in the termination of the IATA Intermediary Agreement in accordance with Paragraph 17 of that Agreement.

SIGNED BY

The Authorized Person on behalf of the Intermediary

By (Authorized Representative)
Signature)
(Name, typed or printed)
(Capacity)

WITNESS

(Signature)
(Name, typed or printed)

Note: When, in accordance with local law, execution of this declaration requires the signature of the parties to be witnessed or notarized, such formalities must be accomplished. The space below may be used for that purpose.

815

Attachment A is amended as follows

Indian Air Cargo Programme Joint Council ('Joint Council') is the body composed of airline and airfreight forwarder nominees, charged with the overall responsibility for running the IACP, pursuant to IATA CAC Resolution 815.

Attachment B 1.2.1 is amended as follows

Failure to comply with the above and/or with the financial requirements contained within the Handbook shall constitute grounds for the Agency Administrator to place the Intermediary on a Cash Basis and to initiate a review of the Intermediary by the ~~Ombudsman~~ Agency Commissioner.

Attachment B 1.5 is amended as follows

where officially required, the applicant must be in possession of a valid license to trade and meet any other national legal requirements in the country of operation. Suspension or withdrawal of this license shall constitute grounds for the Agency Administrator to place the Intermediary on Cash Basis and to initiate a review of the Intermediary by the ~~Ombudsman~~ Agency Commissioner.

Resolution

815

Correction

Attachment B 2.7.2 is amended as follows

...If the issue is not thereby resolved, the Intermediary shall have the right to have the Member's decision reviewed by the ~~Ombudsman~~ Agency Commissioner; provided that when the Member's decision to withdraw its appointment, stock of Air Waybills or authorization to issue Neutral Air Waybills from the Intermediary was made in application of the collective provisions of these Rules, the Intermediary's right for review shall not be exercised against the Member individually but as set forth in the particular provisions concerned and in Resolution ~~805e~~ 815e (the Handbook).

Attachment B 5.7.1(b) is amended as follows

...request reconsideration of the decision by the Agency Administrator or invoke the procedures for review of the Agency Administrator's action by the ~~Ombudsman~~ Agency Commissioner;

Attachment B 5.7.2 is amended as follows

upon request for reconsideration by the Agency Administrator or for review by the ~~Ombudsman~~ Agency Commissioner, the disapproval action shall be stayed and the status quo ante restored pending the result of the reconsideration or of the review. If the ~~Ombudsman~~ Agency Commissioner confirms the disapproval, the transferee or Intermediary may request review of such decision by arbitration pursuant to Section 6 of these Rules in which case the disapproval action shall continue to be stayed until notification of the arbitration award;

Attachment B 5.9.1.1 is amended as follows

...request a review of the Intermediary by the ~~Ombudsman~~ Agency Commissioner and notify the Intermediary and all Members accordingly,

Attachment B 5.9.1.3 is amended as follows

if the matter proceeds to review and the ~~Ombudsman~~ Agency Commissioner finds that the financial situation of the estate, partnership or other unincorporated firm so warrants...

Attachment B 5.10.1.2 is amended as follows

...request a review of the Intermediary by the ~~Ombudsman~~ Agency Commissioner and notify the Intermediary and all Members accordingly;

Attachment B 5.11 is amended as follows

...If the Agency Administrator disapproves the application he shall initiate a review by the ~~Ombudsman~~ Agency Commissioner.

Attachment B 5.12.2 is amended as follows

...If the investigation report is unfavorable, the new premises shall not be approved by the Agency Administrator and the matter shall be referred to the ~~Ombudsman~~ Agency Commissioner.

Resolution

815

Correction

Attachment B 5.13.2 is amended as follows

failure to notify the Agency Administrator of a change of name or address within 30 days of such change being made shall be grounds to initiate a review of the Intermediary by the ~~Ombudsman~~ Agency Commissioner.

Attachment B 6.1 is amended as follows

any applicant or Intermediary which considers itself aggrieved by a decision of the ~~Ombudsman Agency Commissioner~~ under Resolution ~~805e~~ 815e (the provisions contained within the Handbook), or any Member which contests the ~~Ombudsman's~~ Agency Commissioner's ruling...

Attachment 6.6.1(b) is amended as follows

additionally, evidence may be considered which is available to the Arbitration Board but which for good cause could not be presented to the Commissioner (~~Ombudsman~~) (Agency Commissioner)

Attachment B 6.7.1 is amended as follows

in the event the Arbitration Board does not affirm the decision under review, it shall either direct action upon the Appellant in accordance with the Board's findings, or refer the matter to the Commissioner—(~~Ombudsman~~) (Agency Commissioner) for action consistent with the Board's decision;

Attachment B 6.7.2.1(a)(ii) is amended as follows

by IATA, or by the Member in whose favor the Commissioner (~~Ombudsman~~) (Agency Commissioner) had ruled, as applicable, if the decision under review is reversed,

Resolution 815e

RESOLVED that, the Agency Commissioner ('the Commissioner') shall conduct reviews with respect to decisions affecting Intermediaries and applicants in India, ~~where resolution 815 has been implemented~~ in accordance with the following procedures:



Glyn Hughes
Director, Cargo Distribution
IDFS Cargo