

BEFORE THE
DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

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

Docket OST-2006-26409

Exemption Under 49 U.S.C. 40109
from the Conditions of CAB Order
68-7-55 for Passenger Tariff
Coordinating Conference Action

APPLICATION FOR EXPANSION OF EXEMPTION
BY THE
INTERNATIONAL AIR TRANSPORT ASSOCIATION

11 June 2007

Communications with respect to
this document should be sent to

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International Air Transport Association
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Summary	DOCKET: OST-2006-26409	US DOT ORDER:	pending
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Date: 11 June 2007

Filing fee / IATA Acct:

US/UST involved: No

End of Government Filing Period: 15 June 2007

Meeting site, date: Geneva, 16-17 October 2006

Intended effective date: 1 July 2007

Agreements:

Amended Resolution 111eu – TC2 Within Europe Flex Fares

Amended Resolution 042eu – TC2 Within Europe Intermediate/Business Class Flex Fares

Amended Resolution 062eu – TC2 Within Europe Economy Class Flex Fares

APPLICATION FOR EXPANSION OF EXEMPTION

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 40109(c) and 41309 of Title 49 of the United States Code and Sections 302.4, 302.302, 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 an amendment of the exemption from condition #2 granted by Order 2006-12-24 (27 December 2006), entered in this docket, to broaden the scope of that filing exemption.

By Order 2006-12-24, the Department exempted the Resolutions establishing the Flex Fares system for establishing IATA interline fares within the European Common Aviation Area (ECAA), future amendments to those Resolutions, and fares generated under the Resolutions from condition #2 imposed on the Provisions for the Conduct of the IATA Traffic Conferences, provided that the Resolutions and amendments thereto are limited to the establishment of fares for travel within the ECAA. IATA has now amended those Resolutions so as to provide for the establishment of Flex Fares within all of Europe. Thus, the expanded Flex Fares system covers all European routes, not just those within the ECAA. IATA's present application requests expansion of the exemption from condition #2 granted by Order 2006-12-24 so that the exemption will encompass the amended Flex Fares Resolutions, future amendments thereto, and fares generated under the Resolutions, provided that they are limited to travel within Europe.

The reasons justifying the requested broadened exemption are substantially the same as relied on by Order 2006-12-24 in granting the existing exemption. First, the subject agreements concern intra-Europe fares, and, as Order 2006-12-24 recognized (at p. 3), intra-Europe fares agreements typically have been approved using expedited procedures, because they “seldom raised any public interest issues involving U.S. passengers under U.S. aviation policy or U.S. antitrust laws.” Second, the Flex Fares system will be subject to the EU competition laws and the competition laws of other European nations. Third, granting the requested exemption is consistent with actions the Department has taken on other IATA agreements that do not present significant issues under U.S. antitrust laws, for example, the agreements produced by the IATA Services and Agency Conferences. For all those reasons, granting the requested expanded exemption would serve the public interest, and thus, meets the Section 40109(c) standards for exemptions from filing and approval requirements.

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

11 June 2007
Date Served