

BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.

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

Docket OST-2007-

APPLICATION FOR APPROVAL OF AGREEMENTS  
BY THE  
INTERNATIONAL AIR TRANSPORT ASSOCIATION

1 July 2007

Communications with respect to  
this document should be sent to

Douglas Lavin  
Regional Vice President – North America  
International Air Transport Association  
601 Pennsylvania Avenue,  
N.W. Suite 300 - North Building  
Washington DC 20004

Date: 3 July 2007

Filing fee / IATA Acct: USD 244 / 0000-76

US/UST involved: **Yes**

Meeting date: Geneva, 7 May 2007

Intended effective date: 1 July 2007

Agreement: TC12 North Atlantic  
Canada, USA-Europe  
Expedited Composite Resolutions

RESO	TITLE	COMMENTS	RD
047a	Provisions for Inclusive Tours except between points in the ECAA, <u>between Canada, USA and Europe</u>	Amending	1
090	Individual Fares for Ship Crews except between points in the ECAA, <u>between Canada, USA and Europe</u>	Amending	2
092	Student Fares except between points in the ECAA, <u>between Canada, USA and Europe</u>	Amending	3
200h	Free and Reduced Fare Transportation for Inaugural Flights except between points in the ECAA, <u>between Canada, USA and Europe</u>	Amending	4

## **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

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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

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Douglas Lavin

3 July 2007  
Date Served



19 June 2007

**M E M O R A N D U M**

PTC12 CAN-EUR 0132

PTC12 USA-EUR 0213

TO: Members Participating in Tariff Coordinating Conferences (SP-5062)

FROM: Director, Interline & Revenue Management Solutions

SUBJECT: **TC12 North Atlantic  
Canada, USA-Europe  
Expedited Composite Resolutions**  
Geneva, 7 May 2007  
Intended Effective Date: 1 July 2007

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**EXPEDITED RESOLUTIONS - ADOPTED**

Attached are Expedited Composite Resolutions which were adopted at the above meeting for an intended effective date of 1 July 2007 for implementation on the effectiveness of Resolutions 111aa, 044aa, 064aa, 054aa.

The filing period for the attached Resolutions ends **27 June 2007**. 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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## RESOLUTIONS ADOPTED

## PASSENGER TARIFF COORDINATING CONFERENCE

TC12  
NORTH ATLANTIC  
CANADA, USA - EUROPE

GENEVA, 7 MAY 2007

EXPEDITED EFFECTIVE DATE: 1 JULY 2007 FOR IMPLEMENTATION ON THE  
EFFECTIVENESS OF RESOLUTIONS 111AA, 044AA, 064AA, 054AA

RESO	TITLE	COMMENTS	RD
047a	Provisions for Inclusive Tours except between points in the ECAA, <u>between Canada, USA and Europe</u>	Amending	1
090	Individual Fares for Ship Crews except between points in the ECAA, <u>between Canada, USA and Europe</u>	Amending	2
092	Student Fares except between points in the ECAA, <u>between Canada, USA and Europe</u>	Amending	3
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**PROVISIONS FOR INCLUSIVE TOURS  
EXCEPT BETWEEN POINTS IN THE ECAA,  
BETWEEN CANADA, USA AND EUROPE**

PTC2(187)047a				Amending
Filing Period	Begins	19 June 2007	Intended Effectiveness	1 July 2007
	Ends	27 June 2007	Expiry	Indefinite
				Type B

RESOLVED that, Resolution 047a is amended as follows

Section C, Paragraph 6) is added

**SECTION C: TOUR PRICES AND FEATURES**

- 1) the tours shall be paid for in full prior to commencement of travel
- 2) tours commencing in TC1 and TC3 shall provide for not less than six nights sleeping or hotel accommodation, unless otherwise agreed in the applicable fares Resolution; provided that this shall not apply in the case of
  - a) tours constructed with a fare the validity of which is less than seven days
  - b) tours for special events
- 3) tours commencing in TC2 shall provide for not less than six nights sleeping or hotel accommodation, unless otherwise agreed in the applicable fares Resolution; except where tours are
  - a) constructed with a fare
    - i) the maximum validity of which is less than seven days, subject to the applicable minimum selling price
    - ii) the minimum stay or earliest return of which is less than seven days, in which case such shorter minimum stay or earliest return requirement prevails, subject additionally to the minimum selling price
    - iii) the minimum stay or earliest return of which is more than seven days, in which case such longer minimum stay or earliest return requirement prevails, subject additionally to the minimum selling price

- b) commenced and completed over weekends from Thursday 2000 hours to the next following Tuesday 0800 hours, subject to the applicable minimum selling price; except that where the fare applied requires a longer minimum stay or earlier return the latter shall prevail; provided that when fares are used for the promotion of weekend tours wholly within Europe, such tours shall commence on Thursdays, Fridays or Saturdays and return travel take place on Sundays, Mondays or Tuesdays of the same week

Exception: from Germany  
commenced and completed over weekends from either Wednesday, Thursday, Friday or Saturday to the next following Sunday, Monday, Tuesday or Wednesday, subject to the applicable minimum selling price; except that where the fare applied requires a longer minimum stay or earlier return the latter shall prevail

- c) published and used in connection with a special event, subject to the applicable minimum selling price, except that where the fare applied requires a longer minimum stay or earlier return the latter shall prevail
- 4) in the event that the specific minimum tour price is not established in the applicable Tariff Conference Resolution, then the minimum tour price shall not be less than the lowest applicable fare for the type of service used available to the public on the same route
- 5) this Resolution shall not apply between points in the ECAA
- 6) this Resolution shall not apply between Canada, USA and Europe
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**INDIVIDUAL FARES FOR SHIPS' CREWS  
EXCEPT BETWEEN POINTS IN THE ECAA,  
BETWEEN CANADA, USA AND EUROPE**

<b>PTC2(187)090</b>				Amending
Filing Period	Begins	19 June 2007	Intended Effectiveness	1 July 2007
	Ends	27 June 2007	Expiry	Indefinite
				Type A

RESOLVED that, Resolution 090 is amended as follows

Paragraph 0) is amended

**0) APPLICATION**

A) 1) **Application**

economy class  
one way trip  
individual fares for ships' crews  
except between points in the ECAA,  
between Canada, USA and Europe



**STUDENT FARES  
EXCEPT BETWEEN POINTS IN THE ECAA,  
BETWEEN CANADA, USA AND EUROPE**

PTC2(187)092				Amending
Filing Period	Begins	19 June 2007	Intended Effectiveness	1 July 2007
	Ends	27 June 2007	Expiry	Indefinite
				Type B

RESOLVED that, Resolution 092 is amended as follows

Paragraph 0) is amended

**0) APPLICATION**

**A) 1) Application**

- a) economy class  
one way, round, circle, origin open jaw trip  
student fares
  - i) TC1 from Argentina, Brazil, Uruguay to North America
  - ii) within TC2 (except between points in the ECAA and except between Lebanon and Western Africa), TC3, TC12, TC23, TC123
  - iii) in TC12 North Atlantic (except between Canada, USA and Europe)



**FREE AND REDUCED FARE TRANSPORTATION  
FOR INAUGURAL FLIGHTS  
EXCEPT BETWEEN POINTS IN THE ECAA,  
BETWEEN CANADA, USA AND EUROPE**

PTC2(187)200h				Amending
Filing Period	Begins	19 June 2007	Intended Effectiveness	1 July 2007
	Ends	27 June 2007	Expiry	Indefinite
				Type A

RESOLVED that, Resolution 200h is amended as follows

Paragraph 7) is amended

**7) APPLICATION**

a) this Resolution shall not apply between points in the ECAA

b) this Resolution shall not apply between Canada, USA and Europe



## **SUMMARY OF AGREEMENT**

### **TC12 NORTH ATLANTIC CANADA, USA-EUROPE**

**Expedited Effective Date: 1 July 2007**

The TC12 North Atlantic Canada, USA-Europe conference met in Geneva, 7 May 2007.

The following Composite Resolutions were amended to cancel their application between Canada, USA and Europe for effectiveness 1 July 2007 for implementation upon the effectiveness of the new Flex Fares package:

- Reso 047a Provisions for Inclusive Tours except between points in the ECAA
- Reso 090 Individual Fares for Ships Crews Tours except between points in the ECAA
- Reso 092 Student Fares Tours except between points in the ECAA
- Reso 200h Free and Reduced Fare Transportation for Inaugural Flights Tours except between points in the ECAA

