

6355
QA

BEFORE THE
U.S. DEPARTMENT OF TRANSPORTATION
WASHINGTON, D.C.

DEPT. OF TRANSPORTATION
DOCKET SECTION
90 DEC -7 PM 4:51

✓ Air Transport Association of America:
Agreement Relating to Liability Limitations
of the Warsaw Convention

Docket OST-95-860 - 4

Asociacion Internacional de Transporte:
Aereo Latinoamericano: Agreement
Relating to Liability Limitations of the
Warsaw Convention

Docket OST-95-887 - 3

Orient Airlines Association: Agreement
Relating to Liability Limitations of the
Warsaw Convention

Docket OST-95-888 - 3

Association of European Airlines:
Agreement Relating to Liability Limitations
of the Warsaw Convention

Docket OST-95-896 - 3

International Air Transport Association: :
Agreement Relating to Liability Limitations :
of the Warsaw Convention :

Docket OST-95-232 -12

COMMENTS OF THE AIR TRANSPORT ASSOCIATION OF AMERICA
ON APPLICATION OF THE ASSOCIATION OF EUROPEAN AIRLINES

Communications with respect to
this document should be sent to:

Robert P. Warren
General Counsel
Air Transport Association of
America
1301 Pennsylvania Avenue, N.W.
Suite 1100
Washington, DC 20004-1 707
202/626-4000

Warren L. Dean
Patricia N. Snyder
Dyer Ellis & Joseph
600 New Hampshire Avenue, N.W.
Suite 1000
Washington, DC 20037
202/944-3000

Attorneys for the
Air Transport Association
of America

December 7, 1995

U.S. DEPARTMENT OF TRANSPORTATION
Washington, D.C.

APPLICATIONS OF

Air Transport Association of
America

Asociacion Internacional de
Transporte Aereo
Latinoamericano

Association of European Airlines

Orient Airlines Association

International Air Transport
Association

for discussion authority under 49
U.S.C. sections 41308 and 41309

Dockets	OST-95-860
	OST-95-887
	OST-95-888
	OST-95-896
	OST-95-232

COMMENTS OF THE AIR TRANSPORT ASSOCIATION OF AMERICA
ON APPLICATION OF THE ASSOCIATION OF EUROPEAN AIRLINES

The Air Transport Association of America (**ATA**) files this comment on the application of the Association of European Airlines (AEA) for approval and grant of antitrust immunity for discussions among its member airlines with respect to the implementation of the International Air Transport Association intercarrier Agreement on Passenger Liability (IIA).

The **ATA** has been conducting discussions under the auspices of the International Air Transport Association (IATA), and pursuant to the discussion

authority granted by Order 95-2-44 and extended through December 31, 1995, by Order 95-7-1 5. To avoid an interruption of those discussions, the **ATA** specifically requested discussion immunity for “continuing intercarrier discussions” and explicitly requested authority to include foreign air carriers and air carriers that are not members of the **ATA** in those discussions.² Moreover, the **ATA** noted the need for “airlines, working together with governments, to implement [the international consensus achieved by **IATA**] in a manner that responds to the circumstances of each nation.”³ Finally, the **ATA** requested DOT to authorize discussions to proceed under **ATA** as well as **IATA auspices**.⁴

The **ATA** believes that its intent in requesting discussion authority was abundantly clear: to foster the development of international consensus on implementing the **IIA** in a manner that responds to the circumstances of governments. The **ATA** member airlines are confident that the way to build an international consensus is to continue discussions under **IATA** auspices.

In this regard, the AEA application differs significantly from the **ATA’s**. AEA proposes to hold discussions that exclude non-AEA airlines, except by invitation, whereas the **ATA** proposes to be inclusive. Moreover, **AEA’s** application, like those of Asociacion Internacional de Transporte Aereo Latinoamericano and the Orient

¹ Application of **ATA** at 1 (November 22, 1995).

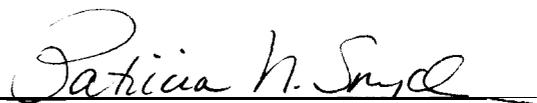
² *Id.* at 2.

³ *Id.* at 3.

⁴ *Id.* at 4.

Airlines Association, focus on adopting regional approaches rather than developing proposals that could lead to a worldwide consensus, as contemplated by **IATA** and the **ATA**. The **ATA**, like IATA, does not believe that any of these discussions has any significant anticompetitive potential. Even in the unlikely event that such discussions could be perceived as adversely affecting competition, discussion authority is nevertheless appropriate in view of the important public benefits that will result from such discussions.

Respectfully submitted,



ROBERT P. WARREN
General Counsel
Air Transport Association
of America
1301 Pennsylvania Avenue, N.W.
Suite 1100
Washington, DC 20004-I 707
202/626-4000

WARREN L. DEAN
PATRICIA N. SNYDER
Dyer Ellis & Joseph
600 New Hampshire Avenue, N.W.
Suite 1000
Washington, DC 20037
202/944-3000

Attorneys for the
Air Transport Association
of America

December 7, 1995

CERTIFICATE OF SERVICE

I certify that on December 7, 1995, I caused to be served, by hand or by electronic transmission, copies of the Comments of the Air Transport Association of America on Application of the Association of European Airlines on the following:

Mr. Bert W. Rein
Wiley, Rein & Fielding
1776 K Street, N.W.
Washington, DC 20006
202/429-7000
Fax: **202/429-7207**

Mr. David M. O'Connor
Regional Director, United States
International Air Transport Association
1001 Pennsylvania Avenue, N.W.
Suite 285 North
Washington, DC 20004
202/624-2977
Fax: **202/347-2366**

Mr. James Tarrant
Deputy Assistant Secretary for
Transportation Affairs
Department of State
2201 C Street, N.W.
Washington, DC 20520
202/647-4045
Fax: **202/647-8628**

Mr. Roger Fones
Chief, Transportation, Energy
& Agriculture Section
Antitrust Division
Department of Justice
555 Fourth Street, N.W.
Washington, DC 20001
202/307-6349
Fax: **202/307-2784**

Mr. Gary Allen
Chief, Civil Division
Department of Justice
555 Fourth Street, N.W.
Washington, DC 20001
202/616-4000
Fax: **202/616-4002**

Mr. Donald H. Horn
Assistant General Counsel
for International Law, **OST/C-20**
Department of Transportation
Washington, DC 20950
202/366-5621
Fax: **202/366-9 188**

Ms. Anne McNamara
Senior Vice President &
General Counsel
American Airlines, Inc.
P.O. Box 619616, Mail Drop 5618
DFW Airport, TX 75261-9616
817/967-1400
Fax: **817/967-2501**

Mr. Gerry Mayo
For Delta Air Lines
13 Stillhouse Road
Atlanta, GA 30339
404/952-6173
Fax: **404/850-5079**

Mr. Hans Ephraimson-Abt
The American Association for Families
of KAL 007 Victims
P.O. Box 8189
New York, NY 10116-8189
201/825-1 124
Fax: 201/652-4436

Mr. Ronald Harris
General Secretary
International Union of Aviation Insurers
6 **Lovat** Lane
London **EC3R** 8DT England
Fax: 011-44-1 71-929-3534

Mr. Robert D. **Papkin**
Mr. Edward W. Sauer
Mr. Charles F. Donley II
Squire, Sanders & Dempsey
1201 Pennsylvania Avenue, N.W.
P.O. Box 407
Washington, D.C. 20044
202/626-6601
Fax: 202/626-6780

Ms. Judith M. Trent
Managing Director
Global Aviation Associates, Ltd.
1800 K Street, N.W.
Suite 1104
Washington, D.C. 20006
202/457-02 12
Fax: 202/833-3 183

Raymond J. Rasenberger
Frank J. Costello
Zuckert, **Scoutt &** Rasenberger, LLP
888 17th Street, N.W.
Washington, D.C. 20006
202/298-8660
Fax: 202/342-0683

Mr. Marc Frisque
Manager, Legal & Social Affairs
Association of European Airlines
Avenue Louise 350
B-I 050, Brussels, Belgium
01 I-322-627-0600
Fax: 01 I-322-648-401 7

Mr. Richard **Stirland**
Director General
Orient Airlines Association
P.O. Box 1391 MCPO
Makati, The Philippines 1253
Fax: 01 I-632-810-3518

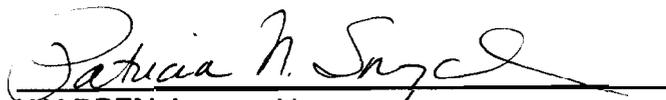
Eng. Fahim M. **Rayan**
President
African Airlines Association
Box 20116
Nairobi, Kenya
Fax: 01 I-254-250-2504

Mr. Federico **Bloch**
President
Asociacion Internacional de Transporte
Aereo **Latino** Americano
A.A. 98949
Bogota, Colombia
Fax: 011-571-413-9178

Mr. Marcel Pisters
Director General
International Air Carrier Association
Abelag Bldg., Brussels National Airport
B- 1930
Zaventum, Belgium
Fax: 01 I-322-721 -2288

Mr. Edward J. Driscoll
President & CEO
National Air Carrier Association
1730 M Street, N.W.
Washington, D.C. 20036
Fax: **202/659-9479**

Mr. Lorne S. Clark
General Counsel and Corporate
Secretary
International Air Transport Association
IATA Building
2000 Peel Street
Montreal, Quebec
Canada **H3A 2R4**
5 14-844-63 11 (x3323)
Fax: 5 14-844-6934



WARREN L. DEAN, JR.
PATRICIA N. SNYDER
Dyer Ellis & Joseph
600 New Hampshire Avenue, N.W.
Suite 1000
Washington, DC 20037
202/944-3000
Fax: **202/944-3068**

Attorneys for the
Air Transport Association
of America