



UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Served: September 12, 2005

NOTICE OF EXEMPTION FROM THE
DEPARTMENT'S TARIFF-FILING REQUIREMENTS
DOCKET OST-97-2050

Issued by the Department of Transportation
on the 12th day of September, 2005

NOTICE

This notice (i) issues an updated list of tariff filing exemptions under 14 CFR 293 for country pair markets, and (ii) clarifies the Department's policy regarding tariff filings with respect to countries listed in Category B.

Updated Country List

The Assistant Secretary for Aviation and International Affairs is issuing an updated list, in Attachment A hereto, of tariff filing exemptions under 14 CFR 293 for country-pair markets. The Department issued a final rule on July 21, 1999, exempting U.S. and foreign carriers from the statutory and regulatory duty to file international passenger tariffs with the Department, provided certain conditions set forth in 14 CFR Part 293 are met.¹ On October 7, 1999, the Assistant Secretary for Aviation and International Affairs issued an initial notice under the rule specifying tariff-filing exemptions for markets that fall into Category A (no fare filing, except by carriers of Category C countries), Category B (filing "normal" one-way economy-class fares only, except that carriers of Category C countries must file all fares) or Category C (filing of all fares by all carriers), taking into account specific factors set forth in 14 CFR 293.10 (a)(2)(i) through (iv).² The changes we are making in this notice reflect our review of each bilateral market considering these factors.

Most of the amendments, summarized in Attachment B, involve additional countries with which the United States has concluded bilateral or multilateral air services agreements

¹ See 64 Fed Reg. 40654, July 27, 1999.

² The Assistant Secretary may also require carriers of countries in Category A or B to continue to file passenger tariffs for services they offer between the U.S. and any third countries if effective price leadership opportunities for U.S. carriers are not available between the foreign carrier's home country and third countries.

that provide double-disapproval treatment of prices filed by the carriers of the Parties.³ These countries will now be placed in Category A. The remaining changes reflect an evaluation of each market based on the other factors specified in Part 293.⁴

Category B Countries

As set forth in Part 293, in Category B markets, carriers are generally exempted from the duty to file all passenger tariffs except those setting forth one-way economy class fares and governing provisions thereto. This policy is based on the nature of the aviation relationships between those countries and the United States. Specifically, Category B constitutes a group of countries which do not have double-disapproval pricing agreements with the United States, but with respect to which we have no evidence that pricing is restricted by the foreign government. Further, under longstanding Department policy, we do not regulate normal economy fares, and require no justifications in tariff filings, in markets where there is no direct service to/from the United States. The vast majority of Category B countries fall into this group. In those Category B markets where there is direct service, our tariff-filing regulations (14 CFR Part 221) require carriers to provide appropriate economic data and/or information in support of normal economy fare filings. We believe, based on our experience, that there is a need to clarify the requirement for supporting materials in Category B markets. In the absence of evidence of regulatory pricing barriers in a particular Category B market, our general policy with respect to all Category B countries will be to treat the tariff filing itself as sufficient to meet our requirements. If evidence of regulatory pricing barriers is provided to the Department, we reserve the right to seek further justification for tariff filings.

There are circumstances, however, where information supporting carrier tariff filings is needed. The Department continues to impose its longstanding conditions on approval of IATA fare agreements, which have been incorporated into IATA's Resolution 005aa (Special Implementation Provisions - Standard Foreign Fare Level (SFFL) USA/US Territories), and prohibit implementation by carriers of IATA-agreed normal economy fares that exceed our SFFL-based regulatory ceilings in direct-service markets. Therefore, in order for us to monitor compliance with the Department's conditions, all tariff filings that reflect IATA agreements containing normal economy fares will continue to be subject to the justification requirements of our tariff-filing regulations at the time of filing.⁵

³ See 14 CFR 293.10 (a)(2)(i).

⁴ See 14 CFR 293.10 (a)(2)(ii) - (iv).

⁵ See 14 CFR 221.94 and 14 CFR 221.205.

We will serve this notice on all interested parties in this docket, as well as on those who were served with the initial notice.

This notice will become effective on September 12, 2005.

By the Department of Transportation:

Karan K. Bhatia
Assistant Secretary
for Aviation and International Affairs

(SEAL)

*An electronic version of this notice is available
on the World Wide Web at
http://dms.dot.gov/reports/reports_aviation.asp*

		Tariff Exemption Status	Attachment A Page 1
			Foreign Carrier(s) Designated by (2) Must File 5th/6th Freedom
<u>WAC</u>	<u>Country</u>	<u>Tariff-filing Category</u>	<u>Fares</u>
701	Afghanistan	B	No
401	Albania	A	No
500	Algeria	B	No
502	Angola	B	No
202	Anguilla (UK)	C	Yes
206	Antigua & Barbuda	B	No
303	Argentina	B	No
405	Armenia	B	No
277	Aruba	A	No
802	Australia	B	No
403	Austria	A	No
407	Azerbaijan	B	No
204	Bahamas	B	No
605	Bahrain	A	No
703	Bangladesh	B	No
205	Barbados	B	No
413	Belarus	B	No
409	Belgium	A	No
106	Belize	B	No
519	Benin (Dahomey)	A	No
207	Bermuda (UK)	C	Yes
702	Bhutan	B	No
312	Bolivia	B	No
410	Bosnia-Herzegovina	B	No
510	Botswana	B	No
316	Brazil	C	Yes
704	Brunei	A	No
411	Bulgaria	B	No
593	Burkina Faso	A	No
	Key:		
	Category A: File no fares		
	Category B: File one-way economy class fares		
	Category C: File all fares		

		Tariff Exemption Status	Attachment A Page 2
			Foreign Carrier(s) Designated by (2) Must File 5th/6th Freedom
WAC	Country	Tariff-filing Category	Fares
706	Burma (Myanmar)	B	No
503	Burundi	B	No
709	Cambodia	B	No
504	Cameroon	B	No
900	Canada	A	Yes
482	Canary Island	B	No
507	Cape Verde	A	No
233	Cayman Islands (UK)	C	Yes
509	Central African Rep	B	No
511	Chad	B	No
324	Chile	A	No
713	China	B	No
	(To March 24, 2008)		
713	China	A	No
	(From March 25, 2008)		
327	Colombia	B	No
513	Comoros	B	No
515	Congo	B	No
813	Cook Islands	B	No
110	Costa Rica	A	No
533	Cote d' Ivoire	B	No
415	Croatia	B	No
611	Cyprus	B	No
418	Czech Republic	A	No
517	Dem Rep of Congo	B	No
	Key:		
	Category A: File no fares		
	Category B: File one-way economy class fares		
	Category C: File all fares		

		Tariff Exemption Status	
			Attachment A Page 3
			Foreign Carrier(s)
			Designated by (2)
			Must File
		Tariff-filing	5th/6th Freedom
WAC	Country	Category	Fares
419	Denmark	A	No
525	Djibouti	B	No
221	Dominica	B	No
224	Dominican Republic	A	No
337	Ecuador	B	No
591	Egypt	B	No
118	El Salvador	A	No
521	Equatorial Guinea	B	No
523	Eritrea	B	No
422	Estonia	B	No
522	Ethiopia	A	No
821	Fiji	A	No
425	Finland	A	No
427	France	A	No
344	French Guyana (France)	French Overseas Department	
		See France	
526	Gabon	B	No
432	Georgia	B	No
429	Germany	A	No
529	Ghana	A	No
433	Greece	B	No
419	Greenland (Denmark)	A	No
273	Grenada	B	No
235	Guadeloupe (France)	French Overseas Department	
		See France	
127	Guatemala	A	No
531	Guinea	B	No
559	Guinea-Bissau	B	No
350	Guyana	B	No
	Key:		
	Category A: File no fares		
	Category B: File one-way economy class fares		
	Category C: File all fares		

		Tariff Exemption Status	Attachment A	Page 5
			Foreign Carrier(s)	
			Designated by (2)	
			Must File	
		Tariff-filing	5th/6th Freedom	
WAC	Country	Category	Fares	
747	Macau	A	No	
541	Madagascar	A	No	
542	Malawi	B	No	
749	Malaysia	A	No	
750	Maldives Islands	A	No	
543	Mali	B	No	
844	Marshall Islands	B	No	
456	Malta	A	No	
252	Martinique (France)	French Overseas Department		
		See France		
545	Mauritania	B	No	
546	Mauritius	B	No	
547	Mayotte (France)	French Overseas Department		
		See France		
148	Mexico	B	No	
810	Micronesia	B	No	
457	Moldova	B	No	
751	Mongolia	B	No	
256	Montserrat, BWI (UK)	C	Yes	
548	Morocco	A	No	
550	Mozambique	B	No	
575	Namibia	A	No	
845	Nauru	B	No	
755	Nepal	B	No	
461	Netherlands	A	No	
259	Netherlands Antilles	A	No	
	Key:			
	Category A: File no fares			
	Category B: File one-way economy class fares			
	Category C: File all fares			

		Tariff Exemption Status	Attachment A	Page 6
			Foreign Carrier(s)	
			Designated by (2)	
			Must File	
		Tariff-filing	5th/6th Freedom	
WAC	Country	Category	Fares	
846	New Caledonia (France)	French Overseas Department		
		See France		
851	New Zealand	A	No	
153	Nicaragua	A	No	
554	Niger	B	No	
555	Nigeria	A	No	
852	Niue (New Zealand)	A	No	
465	Norway	A	No	
658	Oman	A	No	
764	Pakistan	A	No	
005	Palau	B	No	
162	Panama	A	No	
804	Papua New Guinea	B	No	
365	Paraguay	A	No	
368	Peru	A	No	
766	Philippines	B	No	
467	Poland	A	No	
469	Portugal	A	No	
664	Qatar	A	No	
563	Reunion Island (France)	French Overseas Department		
		See France		
473	Romania	A	No	
475	Russian Federation	A	No	
566	Rwanda	A	No	
275	St. Kitts-Nevis	B	No	
275	St. Lucia	B	No	
977	Sts. Pierre/Miquelon (France)	French Overseas Department		
		See France		
	Key:			
	Category A: File no fares			
	Category B: File one-way economy class fares			
	Category C: File all fares			

		Tariff Exemption Status	Attachment A	Page 7
			Foreign Carrier(s)	
			Designated by (2)	
			Must File	
		Tariff-filing	5th/6th Freedom	
WAC	Country	Category	Fares	
279	St. Vincent	B	No	
892	Samoa	A	No	
479	San Marino	B	No	
567	Sao Tome & Principe	B	No	
670	Saudi Arabia	B	No	
569	Senegal	A	No	
480	Serbia-Montenegro	B	No	
/459				
570	Seychelles	B	No	
571	Sierra Leone	B	No	
776	Singapore	A	No	
483	Slovakia	A	No	
481	Slovenia	B	No	
874	Solomon Island	B	No	
573	Somalia	B	No	
562	South Africa	A	No	
482	Spain	B	No	
711	Sri Lanka	A	No	
583	Sudan	B	No	
379	Surinam	B	No	
582	Swaziland	B	No	
484	Sweden	A	No	
486	Switzerland	A	No	
676	Syria *	B	No	
823	Tahiti (France)	French Overseas Department		
		See France		
783	Tajikistan	B	No	
585	Tanzania	A	No	
782	Thailand	B	No	
	Key:			
	Category A: File no fares			
	Category B: File one-way economy class fares			
	Category C: File all fares			

		Tariff Exemption Status	Attachment A	Page 8
			Foreign Carrier(s)	
			Designated by (2)	
			Must File	
		Tariff-filing	5th/6th Freedom	
WAC	Country	Category	Fares	
527	The Gambia	A	No	
586	Togo	B	No	
881	Tonga	A	No	
280	Trinidad & Tobago	B	No	
588	Tunisia	B	No	
679	Turkey	A	No	
758	Turkmenistan	B	No	
281	Turks & Caicos Is. (UK)	C	Yes	
817	Tuvalu	B	No	
590	Uganda	A	No	
488	Ukraine	A	No	
678	United Arab Emirates	A	No	
493	United Kingdom	C	Yes	
385	Uruguay	A	No	
788	Uzbekistan	A	No	
885	Vanuatu	B	No	
388	Venezuela	B	No	
791	Vietnam	B	No	
282	Virgin Islands (UK)	C	Yes	
892	Western Samoa	B	No	
694	Yemen	B	No	
597	Zambia	B	No	
565	Zimbabwe	B	No	
781	Taiwan **	A	No	
	Notes:			
	* Subject to the restrictions on sales of transportation on Syrian Arab Airlines (Order 86-11-30).	** The U.S. does not recognize Taiwan as a state or country, but maintains unofficial relations with Taiwan in accordance with The Taiwan Relations Act.		
	Key:			
	Category A: File no fares			
	Category B: File one-way economy class fares			
	Category C: File all fares			

Attachment B

Tariff Exemption Status

<u>WAC</u>	<u>Country</u>	<u>Previous Category</u>	<u>Present Category</u>
401	Albania	B	A
303	Argentina	A	B
106	Belize	C	B
593	Burkina Faso	B	A
507	Cape Verde	B	A
713	China	C	B, A
522	Ethiopia	B	A
529	Ghana	B	A
733	India	C	A
832	Indonesia	B	A
450	Italy	B	A
541	Madagascar	B	A
750	Maldiv Islands	B	A
456	Malta	B	A
546	Mauritius	C	B
248	Morocco	B	A
575	Namibia	B	A
845	Nauru	C	B
555	Nigeria	B	A
658	Oman	B	A
365	Paraguay	B	A
467	Poland	B	A
469	Portugal	B	A
664	Qatar	B	A
566	Rwanda	B	A
569	Senegal	B	A
493	Slovakia	B	A
711	Sri Lanka	B	A
585	Tanzania	B	A
527	The Gambia	B	A
881	Tonga	B	A
679	Turkey	B	A
385	Uruguay	B	A