

## PERFECT VICTORY AGAIN - TOKYO HIGH COURT DELIVERED THE COURT RULING

Following the judgment of Tokyo district court, On December 11, 2003, Tokyo High Court delivered the court ruling for the case in which we had been fighting to regain the work agreement unilaterally abrogated by the management of Japan Airlines in 1993.

We consider the high court ruling to be very close to "PERFECT VICTORY" for all our purposes. .

The presiding judge mentioned in his documented "reasons of the ruling" that:

"The new work rule not only extends the limit hours of both flight time and duty time by a maximum of two hours, but it also allows the operation of single augmented or partial augmented crew scheduled flights to be operated with no augmented crew. As a consequence, flight crew have no time to rest in temporary sleep facilities. Such augmentation of labor intensity is sensible, and the extension of flight and duty time of single landing scheduled flight with no augmented crew is a major disadvantage for flight crew.

It is an undeniable fact that considering scientific study results is a major factor when establishing flight time limitation. Researchers of foreign public institutions or commissioned by governments and European Committee have proposed, under their positive scientific study results, that flight time and flight duty time shorter than those set by the new work rule have to be considered or examined. Such announcements cannot be ignored, and also, saying that the new work rule has no flaws under a scientific point of view is highly questionable."

and the judge has affirmed that there is no obligation on the part of the plaintiffs to perform flight duties pursuant to such changes.

SUMMARY OF COURT RULING BY TOKYO HIGH COURT                      December 11, 2003

Appellee: Members of Japan Airlines Flight Crew Union

Appellant: Japan Airlines

### (1) MINIMUM CREW ONE LANDING TWO-CREW and THREE-CREW AIRCRAFT

Tokyo High Court affirms that :

-There is no obligation on the part of the plaintiffs to perform flight duties where scheduled flight time exceeds 9 hours or scheduled duty time exceeds 13 hours within any consecutive 24 hours on both two-pilot-configuration aircraft and three-pilot-configuration aircraft with one scheduled landing without augmented crew.

(Note: Flight time is from "blocks-out" till "blocks-in". Duty time is from show-up until the completion of post flight duty.)

### (2) MINIMUM CREW TWO LANDINGS

Tokyo High Court affirms that:

-There is no obligation on the part of the plaintiffs to perform flight duties where scheduled flight time exceeds 8 hours 30 minutes or scheduled duty time exceeds 13 hours within any consecutive 24 hours with two scheduled landings without augmented crew.

### (3) DOMESTIC FLIGHTS

Tokyo High Court affirms that:

-Flight assignment for domestic flights shall not exceed 3 consecutive days.

### (4) STAND-BY DUTY FOR INTERNATIONAL FLIGHT

Tokyo High Court affirms that:

-With respect to stand-by duty for international flights, there is no obligation on the part of the plaintiffs to perform flight assignment unless such flight assignment is for either of the two flights specified in advance or a flight that is scheduled to depart between the departure times of the aforementioned two specified flights.

END Translation and notes by Japan Airlines Flight Crew Union