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16/01/2020

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## By email

Dear Sir/Madam,

### **British Airways and Qatar Airways application for authorisation AA1000463 — interested party consultation**

The Australian Competition and Consumer Commission (the **ACCC**) received an application for authorisation from British Airways (**BA**) and Qatar Airways (**QR**) (together, the **Applicants**) on 6 January 2020.

This letter invites you to comment or pass on to others who may wish to make submissions. If you do not wish to make a submission, no further action is required from you.

The Applicants are seeking authorisation<sup>1</sup> under the *Competition and Consumer Act 2010* (Cth) (the **Act**). The Applicants have sought authorisation, pursuant to a Joint Business Agreement (**JBA**), to co-ordinate air passenger services on nine routes between Australia and the UK (the **Proposed Conduct**). These nine routes are between four Australian cities (i.e. Adelaide, Canberra, Melbourne and Perth) and the UK, and operate via Doha. The Australia-Doha leg of the routes are currently serviced by QR but not BA (except through code share relationships with Qantas and/or QR).

The Proposed Conduct may involve co-ordination in relation to the following activities: scheduling, capacity, revenue planning, joint pricing, sales and marketing activities, service parameters and standards, joint procurement of goods and services and frequent flyer programs.

The Applicants are seeking authorisation until 2025. A full copy of the application for authorisation is available on the ACCC's [authorisations public register](#).

### **Interim authorisation**

The Applicants have also requested interim authorisation to allow them to commence the Proposed Conduct as soon as possible.

In making an assessment as to whether it is appropriate to grant interim authorisation, the ACCC is not required to undertake a full assessment of the benefit and detriment likely to arise as a result of the proposed conduct.

The ACCC decides whether to grant interim authorisation on a case by case basis. The ACCC will usually consider a range of factors, including harm to the applicant and other

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<sup>1</sup> For information about Authorisations, please see <https://www.accc.gov.au/business/exemptions/authorisation>

parties if interim authorisation is or is not granted, possible benefit and detriment to the public, the urgency of the matter and whether the market would be able to return to substantially its pre-interim state if the ACCC should later deny authorisation.

## Request for submissions

The ACCC invites you to make a submission on the application for authorisation and interim authorisation. Please provide information, evidence, and views about the likely public benefits, effects on competition and any other public detriment that you consider will result from the proposed conduct.

Submissions on interim and substantive authorisation are due by **30 January 2020**. Written submissions should be emailed to [adjudication@accc.gov.au](mailto:adjudication@accc.gov.au) with the subject 'AA1000463 – British Airways and Qatar Airways – submission'. Alternatively, for verbal submissions, please contact Tanya Hobbs via the details at the end of this letter.

Your submissions will be placed on the ACCC's [authorisations public register on the internet](#) unless you have made a request (with reasons) for us to exclude part or all of the submission from the public register (see Guidelines for [Excluding Information from the Public Register](#) for more information on how to make a request and how we assess requests).

## Timetable

An indicative timetable is set out below for your information, and an up to date version (including any changes) will be posted on the public register

Indicative date	Stage in assessment process
6 January 2020	Lodgement of application and supporting submission.
16 January 2020	Public consultation process begins.
30 January 2020	Closing date for submissions.
February 2020	Applicants respond to issues raised in the public consultation process.
February/March 2020	ACCC decision regarding interim authorisation and draft determination
April 2020	Public consultation on draft determination including any conference if called.
April/May 2020	Final determination.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Tanya Hobbs on 02 6243 1029 or [adjudication@accc.gov.au](mailto:adjudication@accc.gov.au).

Yours sincerely



Gavin Jones  
Director  
Adjudication