



Our ref: AA1000608
Contact officer: Connie Wu
Contact phone: (08) 9325 0637

23 Marcus Clarke Street
Canberra ACT 2601
GPO Box 3131
Canberra ACT 2601
tel: (02) 6243 1111

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exemptions@acc.gov.au
www.acc.gov.au

Dear Interested Party

Virgin Australia Airlines Pty Ltd application for authorisation AA1000608 – interested party consultation

On 14 April 2022, the Australian Competition and Consumer Commission (the **ACCC**) received an application for authorisation from Virgin Australia Airlines Pty Ltd (**Virgin Australia**) on behalf of itself and partner airlines within a specified class of international operating carriers (**Partner Carriers**). This letter is to invite you to comment. You are welcome to pass this letter on to others who may wish to make submissions.

Virgin Australia is seeking authorisation¹ under the *Competition and Consumer Act 2010* (Cth). Authorisation would give it legal protection from competition laws to make and give effect to codeshare agreements with Partner Carriers which contain pricing provisions that may trigger the prohibition against resale price maintenance (the **Proposed Conduct**).

Virgin Australia is seeking authorisation for 5 years. A full copy of the application for authorisation is available on the ACCC's [authorisations public register](#).

Interim authorisation

Virgin Australia has also requested interim authorisation² to allow it to commence marketing United Airlines operated services under a codeshare agreement that includes pricing provisions that give rise to the Proposed Conduct.

Making a submission

The ACCC invites you to make a submission on the application for authorisation. In making your submission, 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.

If you intend to provide a submission in relation to interim authorisation, please do so by **5:00PM AEST on Tuesday 3 May 2022**. Extensions are not normally granted for submissions on interim authorisation.

If you intend to provide a submission in relation to the substantive application, please do so by **5:00PM AEST on Friday 20 May 2022**. If you wish to request an extension, please contact us on the details below as early as possible. Submissions after the due date (or after any extension granted) may not be taken into account.

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

² For information about interim authorisation, please see the ACCC's [Guidelines for Authorisations of Conduct \(non-merger\)](#).

Please email your submission to exemptions@acc.gov.au, with the subject 'AA1000608 – Virgin Australia – submission'. Alternatively, if you would like to provide comments orally, please contact Connie Wu via the details at the end of this letter.

Your submission **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

The ACCC will progress its assessment of the application in a timely manner. 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
14 April 2022	Lodgement of application and supporting submission.
26 April 2022	Public consultation process begins.
3 May 2022	Closing date for submissions on interim authorisation.
May 2022	ACCC decision regarding interim authorisation.
20 May 2022	Closing date for submissions on substantive application.
May/June 2022	Applicant responds to issues raised in the public consultation process.
June 2022	Draft determination.
June/July 2022	Public consultation on draft determination including any conference if called.
July/Aug 2022	Final determination.

This letter has been placed on the ACCC's public register. If you have any questions or wish to discuss any aspect of this matter, please do not hesitate to contact Connie Wu on (08) 9325 0637 or exemptions@acc.gov.au.

Yours sincerely



Darrell Channing
Director
Competition Exemptions