



Our ref: AA100608
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8/07/2022

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By email

Dear Sir or Madam

Virgin Australia application for authorisation AA1000608 – draft determination and interim authorisation

The ACCC has issued a draft determination in respect of the application for authorisation lodged by Virgin Australia on behalf of itself and Partner Carriers on 14 April 2022.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for 5 years for Virgin Australia to make and give effect to codeshare agreements with Partner Carriers which contain pricing provisions that may otherwise trigger the prohibition in the *Competition and Consumer Act 2010* against resale price maintenance.

The ACCC has revoked the previous interim authorisation and granted a new interim authorisation to enable Virgin Australia to engage in the conduct with Qatar Airways and Singapore Airlines in addition to United Airlines (which was allowed under the previous interim authorisation), while the ACCC considers the substantive application.

A copy of the ACCC's draft determination and interim authorisation is attached and also available on the ACCC's [public register](#).

Next steps

The ACCC invites submissions on the draft determination.

Submissions are due by **29 July 2022** by email to exemptions@acc.gov.au with the subject line "AA10000608 – Virgin Australia – submission". The ACCC will consider any submissions received by this date in making its final decision about whether to authorise the proposed arrangement.

Submissions will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

Optional pre-decision conference

In some cases the applicant or an interested party requests that the ACCC convene a pre-decision conference in relation to its draft determination. If a conference is called it will be open to the applicant and interested parties to attend and make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers can attend, they are not entitled to participate in the discussion.

If you wish for the ACCC to hold a pre-decision conference in relation to the draft determination you must notify the ACCC in writing by **29 July 2021** by email to exemptions@acc.gov.au.

Timetable

The ACCC will progress its assessment of the application in a timely manner. An updated indicative timetable is set out below for your information.

14 April 2022	Lodgement of application.
26 April 2022	Public consultation process begins.
3 May 2022	Closing date for submissions on interim authorisation.
12 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.
8 July 2022	Draft determination and new interim authorisation.
29 July 2022	Public consultation on draft determination including any conference if called.
August	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 Connie Wu on (08) 9325 0637 or by email at exemptions@acc.gov.au.

Yours sincerely



Darrell Channing
Director
Competition Exemptions Branch