



Our ref: AA1000608
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Dear Interested Party

Virgin Australia application for authorisation AA1000608 – interim authorisation decision

The Australian Competition and Consumer Commission (the **ACCC**) has granted interim authorisation in respect of the application for authorisation AA1000608 lodged by Virgin Australia on behalf of itself and a class of international operating carriers (**Partner Carriers**).

United Airlines is the first airline to become a Partner Carrier under these arrangements. This interim authorisation is granted to Virgin Australia to enable it to make and give effect to a codeshare agreement with United Airlines which contain pricing provisions that may otherwise trigger the prohibition in the *Competition and Consumer Act 2010* (the **Act**) against resale price maintenance.

Interim authorisation protects the arrangements for which authorisation is sought from legal action under the relevant provisions in the Act while the ACCC considers the merits of the substantive application for authorisation.

A copy of the ACCC's interim authorisation decision is attached, and available on the ACCC's [authorisations public register](#).

Next steps

As you are aware, submissions on the substantive application are due by 20 May 2022.

Following the closing date for submissions, the next step in the process is for the ACCC to release a draft determination which will take account of any submissions from the applicant and interested parties and will indicate the ACCC's preliminary views on the merits of the substantive application.

The ACCC will give both the applicant and interested parties the opportunity to provide a further submission on the draft determination before the ACCC issues its final determination.

As noted in the attached decision, the ACCC may review its decision on interim authorisation at any time. The ACCC's decision in relation to interim authorisation should not be taken to be indicative of whether or not final authorisation will ultimately be granted.

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

A handwritten signature in blue ink that reads "DChanning". The signature is stylized with a large, sweeping flourish at the end.

Darrell Channing
Director
Competition Exemptions