



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2009/1316
Contact Officer: Clare McGinness
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10 December 2009

[name]
[Address]

Dear Sir/Madam

**Virgin Blue Airlines Pty Ltd & Ors application for authorisation A91151-A91152
and A91172-A91173 - final determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a determination in respect of the above applications for authorisation lodged by the Virgin Blue Group and Delta Airlines on 9 July 2009 and 24 July 2009.

Virgin Blue and Delta sought authorisation for an arrangement that will establish a Cooperation Agreement, a Coordination Agreement and a Joint Venture Agreement. Together, these agreements will form the Virgin Blue / Delta Joint Venture.

The Joint Venture contemplates coordination and agreement between the applicants in respect of trans-Pacific routes in relation to:

- schedules, capacity and routes flown
- passenger sales and marketing activities
- pricing and revenue management
- enhancement of frequent flyer and lounge program offerings
- purchasing and procurement.

A copy of the ACCC's determination is attached, including a summary of its reasons. For the reasons set out in its determination, the ACCC has decided to grant authorisation until 1 July 2015. The ACCC's assessment is set out in Chapter 4 of its determination.

Application for review

Pursuant to section 101 of the *Trade Practices Act 1974*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 31 December 2009. If no application to review is lodged by this date, the ACCC's determination will come into force on 1 January 2010.

An application for review of the ACCC's determination should be lodged directly with the Australian Competition Tribunal. The Australian Competition Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the process involved in reviewing decisions in the Australian Competition Tribunal please refer to the tribunal's website located at <http://www.competitiontribunal.gov.au/>.

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 Clare McGinness on (02) 6243 1049.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Teresa Nowak', written over a light grey rectangular background.

Teresa Nowak
A/g Director
Adjudication Branch

Virgin Blue Airlines Pty Ltd & Ors - final determination

This letter was sent to the following interested parties on 10 December 2009

- Singapore Airlines Ltd
- Air New Zealand
- Tiger Aviation Pte Ltd
- United Airlines
- International Air Services Commission
- Qantas Airways Ltd
- Air Pacific Limited
- Australian Federation of Travel Agents
- Tourism Australia
- Department of Infrastructure, Transport, Regional Development and Local Government - Transport Markets Aviation and Airports Division
- Pat Barry
- Hubert Horan