



**Australian  
Competition &  
Consumer  
Commission**

GPO Box 3131  
Canberra ACT 2601

23 Marcus Clarke Street  
Canberra ACT 2601

tel: (02) 6243 1111  
fax: (02) 6243 1199

[www.accc.gov.au](http://www.accc.gov.au)

Our Ref: 48732  
Contact Officer: Mark Basile  
Contact Phone: (03) 9290 1855

25 July 2012

Dear Sir/Madam

**Etihad and Air Berlin applications for authorisation A91307 and A91308 –  
final determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a determination in respect of the applications for authorisation lodged by Etihad and Air Berlin on 26 April 2012.

Etihad and Air Berlin are seeking authorisation to make, and give effect to, a Commercial Alliance under which they will coordinate on international air passenger transport and air cargo transportation services between Australia and the Middle East/South East Asia and between Australia and Germany.

A copy of the ACCC's determination is attached, including a summary of its reasons. For the reasons set out in the determination, the ACCC has decided to grant authorisation until 31 August 2022.

**Application for review**

Pursuant to section 101 of the *Competition and Consumer Act 2010*, 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 15 August 2012. If no application to review is lodged by this date, the ACCC's determination will come into force on 16 August 2012.

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 Mark Basile on (03) 9290 1855.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'D Jones', with a long horizontal flourish extending to the right.

David Jones  
Director  
Adjudication Branch

## **A91307 & A91308 – Etihad and Air Berlin – Final Determination – IP List**

Aerolineas Argentinas  
Air Canada  
Air China  
Air Mauritius  
AirAsia X  
Australasian Conference & Events  
Australia India Business Council  
Australia-Africa Business Council  
Australian Arab Chamber of Commerce and Industries  
Australian Federation of International Forwarders  
Australian Federation of Travel Agents  
Australian Industry Group  
Australian Lebanese Chamber of Commerce  
Australian Services Union  
Board of Airline Representatives of Australia  
Brisbane Airport Corporation Pty Limited  
British Airways  
Cathay Pacific Airways  
Centre for Asia Pacific Aviation  
China Eastern  
China Southern Airlines  
CHOICE  
Consolidated Travel Group  
Consumer Action Law Centre  
Delta Air Lines, Inc  
Department for Manufacturing, Innovation, Trade, Resources and Energy  
Department of Business and Innovation  
Department of Foreign Affairs and Trade  
Department of Infrastructure, Transport, Regional Development and Local Government  
Department of Resources, Energy and Tourism  
Department of Trade and Investment, Regional Infrastructure and Services  
ICMS  
Industry NSW  
Infrastructure Australia  
International Air Services Commission  
LAN Airlines  
Malaysia Airlines  
Meetings and Events Australia  
Melbourne Airport  
Perth Airport  
Qantas Airways  
Qatar Airlines  
Queensland Government Aviation Committee (Department of Employment, Economic Development and Innovation)  
Royal Brunei  
Singapore Airlines Ltd  
Skywest Airlines Pty Ltd  
Solomon Airlines  
State Government of Victoria

Sydney Airport  
Tiger Aviation Pte Ltd  
Tour Hosts Pty Limited  
Tourism Australia  
Tourism NSW  
Tourism NT  
Tourism Queensland  
Tourism Tasmania  
Tourism Victoria  
Tourism WA  
Trade and Investment Queensland  
TTF Australia  
United Airlines  
Virgin Australia Airlines