



Australian  
Competition &  
Consumer  
Commission

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Our Ref: 48732  
Contact Officer: Mark Basile  
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3 May 2012

Dear Sir/Madam

**Etihad Airways and Air Berlin applications for authorisation A91307 & A91308 –  
interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) has received applications for authorisation from Etihad Airways and Air Berlin and invites you to comment on the applications. Attached is a summary of the authorisation process including how to make a submission to the ACCC.

Broadly, Etihad and Air Berlin are seeking authorisation to enter into a Commercial Co-operation Agreement and Codeshare Agreement (together 'the Alliance') which will cover air passenger services between Germany and Australia via Abu Dhabi.

A full copy of the application for authorisation, including a full description of the applicants and their proposed alliance, is available on the ACCC's website  
<[www.accc.gov.au/AuthorisationsRegister](http://www.accc.gov.au/AuthorisationsRegister)>.

**Interim authorisation**

Etihad and Air Berlin have also requested *interim* authorisation for the Alliance pending the outcome of the ACCC's final decision on authorisation. The applicants commenced selling codeshare tickets in competition with each other on 29 March 2012 and are seeking interim authorisation to commence joint pricing, scheduling and marketing of air passenger services as soon as possible.

The ACCC endeavours to deal with requests for interim authorisation quickly. In deciding whether to grant interim authorisation, the ACCC is not required to undertake a full assessment of the benefit and detriment likely to arise as a result of the proposed conduct. Nevertheless, submissions in relation to interim authorisation are invited in this matter.

The ACCC decides whether to grant interim authorisation on a case by case basis and may take into account a range of factors, including harm to the applicant and other parties if interim authorisation is or is not granted, possible benefit and detriment to the public, the urgency of the matter and whether the market would be able to return to substantially its pre-interim authorisation state if the ACCC should later deny authorisation.

## Submissions

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements. Submissions are invited both in relation to the application for authorisation and in relation to the application for interim authorisation.

If you intend to provide a submission in relation to the applications for authorisation, please do so by **24 May 2012**. Any submissions in relation to interim authorisation should be provided by **10 May 2012**.

Alternatively, if you would like to provide comments orally, please contact Mark Basile on (03) 9290 1855 to organise a suitable time.

Submissions, including oral submissions, will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

## Timetable

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

<b>26 April 2012</b>	Lodgement of application and supporting submission.
<b>3 May 2012</b>	Public consultation process begins.
<b>10 May 2012</b>	Closing date for submissions on interim authorisation.
<b>May 2012</b>	ACCC decision regarding interim authorisation.
<b>24 May 2012</b>	Closing date for submissions from interested parties on authorisation.
<b>1 June 2012</b>	Applicants respond to issues raised in the public consultation process.
<b>June/July</b>	Draft determination.
<b>July 2012</b>	Public consultation on draft determination including any conference if called.
<b>August/September 2012</b>	Final determination.

If you do not wish to make a submission at this time but would like to be informed of the progress of the applications at the draft and final determination stages, please advise us and provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the applications.

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



David Jones  
Director  
Adjudication Branch

**Parties consulted in relation to application for authorisation A91307 & A91308**

1. Aerolineas Argentinas
2. Air Canada
3. Air China
4. Air Mauritius
5. AirAsia X
6. Australasian Conference & Events
7. Australia India Business Council
8. Australia-Africa Business Council
9. Australian Arab Chamber of Commerce and Industries
10. Australian Federation of International Forwarders
11. Australian Federation of Travel Agents
12. Australian Industry Group
13. Australian Lebanese Chamber of Commerce
14. Australian Services Union
15. Board of Airline Representatives of Australia
16. Brisbane Airport Corporation Pty Limited
17. British Airways
18. Cathay Pacific Airways
19. Centre for Asia Pacific Aviation
20. China Eastern
21. China Southern Airlines
22. CHOICE
23. Consolidated Travel Group
24. Consumer Action Law Centre
25. Delta Air Lines, Inc
26. Department for Manufacturing, Innovation, Trade, Resources and Energy
27. Department of Business and Innovation
28. Department of Foreign Affairs and Trade
29. Department of Infrastructure, Transport, Regional Development and Local Government
30. Department of Resources, Energy and Tourism
31. Department of Trade and Investment, Regional Infrastructure and Services
32. ICMS
33. International Air Services Commission
34. LAN Airlines
35. Malaysia Airlines
36. Meetings and Events Australia
37. Melbourne Airport
38. Perth Airport
39. Qantas Airways
40. Qatar Airlines
41. Queensland Government Aviation Committee (Department of Employment, Economic Development and Innovation)
42. Royal Brunei
43. Singapore Airlines Ltd
44. Skywest Airlines Pty Ltd
45. Solomon Airlines
46. State Government of Victoria
47. Sydney Airport
48. Tiger Aviation Pte Ltd
49. Tour Hosts Pty Limited

- 50. Tourism Australia
- 51. Tourism NSW
- 52. Tourism NT
- 53. Tourism Queensland
- 54. Tourism Tasmania
- 55. Tourism Victoria
- 56. Tourism Victoria
- 57. Tourism WA
- 58. Trade and Investment Queensland
- 59. TTF Australia
- 60. United Airlines
- 61. Virgin Australia Airlines

Firms included in the list in addition to those listed in the table below

1	Adelaide Airport
2	Air Australia
3	Air New Zealand
4	Air Tahiti Nui
5	Air Trans Australia
6	Air Trans New Zealand
7	Air Trans Pacific
8	Air Trans Tasmanian
9	Air Trans Victoria
10	Air Trans Western Australia
11	Air Trans Queensland
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