

Our Ref: 56192
Contact Officer: Tanya Hobbs
Contact Phone: 02 6243 1029



**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

17 December 2014

Dear Sir/Madam

Etihad Airways PJSC & Alitalia applications for authorisation A91468 & A91469 - draft determination and interim authorisation

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the applications for authorisation lodged by Etihad Airways PJSC & Alitalia on 6 November 2014. The ACCC has also decided to grant interim authorisation in respect of the applications.

Please see the ACCC's publication [Authorisation process - the basics](#) for a summary of the authorisation process and how to make a submission to the ACCC.

Etihad Airways PJSC & Alitalia are seeking authorisation for ten years for the provisions of their co-operation agreement which relate to various matters including the scheduling and pricing of international air transport services (the Proposed Conduct).

Draft determination

A copy of the ACCC's draft determination and summary of its reasons is attached.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for ten years.

Interim authorisation

Interim authorisation protects the arrangements for which authorisation is sought from legal action under the relevant provisions of the Competition and Consumer Act 2010 while the ACCC considers and evaluates the merits of the application.

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 be granted by the ACCC.

Next steps

Once the ACCC issues a draft determination, the Applicant or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **16 January 2015**. "Submissions should be emailed to adjudication@acc.gov.au with the subject "A91468 & A91469 – Etihad Airways PJSC & Alitalia – submission".

A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination you must notify the ACCC in writing by **16 January 2015**.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, and will then release a final determination in relation to these applications.

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](#).

Timetable

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

Indicative date	Stage in assessment process
6 Nov 2014	Lodgement of application and supporting submission, including request for interim authorisation.
17 Dec 2014	ACCC decision regarding interim authorisation and draft determination.
Dec 2014 – Jan 2015	Public consultation on draft determination including any conference if called.
Feb 2015	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 Tanya Hobbs on 02 6243 1029] or adjudication@acc.gov.au.

Yours sincerely



Gavin Jones
Director
Adjudication Branch