



Australian Government

International Air Services Commission

DECISION

Decision: [2012] IASC 203
Variation of: [2012] IASC 102
The Route: Japan
The Applicant: Qantas Airways Limited (Qantas)
(ACN 009 661 901)
Public Register: IASC/APP/201207

1 The application

1.1 In Determination [2012] IASC 102 (the Determination), following revision of air services arrangements between Australia and Japan, Qantas was allocated unlimited capacity to points in Japan other than Narita and Haneda Airports. On 8 March 2012, Qantas applied for a variation to the Determination, to enable Qantas' wholly-owned subsidiary, Jetstar Airways to continue to code share with Japan Airlines. The variation is intended to implement the code share authorised by Decision [2010] IASC 210 which was not reflected in the Determination.

1.2 The Commission published a notice on 9 March 2012, inviting submissions about the application. No submissions were received.

1.3 All material supplied by the applicant is filed on the Register of Public Documents.

2 Provisions of relevant air services arrangements

2.1 The air services arrangements between Australia and Japan permit the designation of multiple Australian airlines. According to the Register of Available Capacity, there is unlimited capacity for designated Australian carriers to operate scheduled passenger services between Australia and points in Japan except for Narita Airport and Haneda Airport. Australian airlines may enter into co-operative marketing arrangements with airlines of either Party or airlines of a third country.

3 Commission's consideration

3.1 In the case of this application to allow Jetstar Airways to code share with Japan Airlines, the Commission notes that it is intended to implement the Commission decision in [2010] IASC 210, which authorises the code share between Jetstar Airways and Japan Airlines to 31 December 2012.

3.2 The Commission will vary the determination as requested by Qantas.

4 Decision ([2012] IASC 203)

4.1 In accordance with section 24 of the Act, the Commission varies Determination [2012] IASC 102 by:

adding the following conditions:

- Jetstar may use the capacity to provide services jointly with Japan Airlines until 31 December 2012 in accordance with:
 - the code share agreement of 9 February 2007, signed by Jetstar and Japan Airlines, as amended; or
 - any subsequent code share agreement between Jetstar and Japan Airlines for operations on the Australia - Japan route, whether or not it replaces the existing agreement, with the prior approval of the Commission;
- under the code share agreement with Japan Airlines:
 - Jetstar must price and sell its services on the route independently of Japan Airlines; and
 - Jetstar must not share or pool revenues under any such agreement; and
- Jetstar must submit prior to the next Commission review of the code share arrangements, a report on the number of code share seats sold by Japan Airlines on Jetstar-operated services and Jetstar's yields per revenue passenger kilometre for all passenger classes on these services.

Dated: March 2012

Jill Walker
Chairwoman

Stephen Bartos
Member

