

# DECISION

**DECISION:** [2000] IASC 205  
**VARIATION OF:** IASC/DET/9712, IASC/DET/9713,  
IASC/DET/9914 AND [2000] IASC 112  
**THE ROUTE:** SINGAPORE  
**THE APPLICANT:** QANTAS AIRWAYS LIMITED  
(QANTAS) (ACN 009 661 991)

## 1 The application

1.1 On 2 May 2000, Qantas applied to the Commission to vary Determinations IASC/DET/9712, IASC/DET/9713, IASC/DET/9914 and [2000] IASC 112 (the Determinations) allocating capacity on the Singapore route to allow Finnair to code share on Qantas services between Australia and Singapore and to allow Qantas to code share on Finnair services beyond Singapore.

1.2 Qantas and Finnair propose to commence code share services, on a free sale basis, between Helsinki and Australia via Bangkok and Singapore on four services a week from 1 June 2000. The current proposal extends previously approved arrangements between Qantas and Finnair on the Thailand route.

1.3 The Commission published a notice inviting submissions from interested parties about the Qantas application. No submissions were received.

1.4 All non-confidential material supplied by the applicant is filed on the Register of Public Documents. Any confidential material supplied by the applicant is filed on the Commission's confidential register.

## 2 Provisions of relevant air services arrangements

2.1 The Australia - Singapore air services arrangements allow any airline of a third country to code share as the non-operating airline with the designated airlines of each country. In addition, more than one airline may code share on a designated airlines' service.

## 3 Commission's assessment

3.1 Pursuant to s.15(2)(e) of the *International Air Services Commission Act*, a carrier cannot use allocated capacity by providing services jointly with any other carrier without the prior approval of the Commission.

3.2 The Commission will normally apply only the general public benefit criteria in paragraph 4 of the Minister's Policy Statement when there are no submissions opposing an application for a variation. There were no such submissions in this instance.

3.3 The Commission will vary the determination as requested on the condition that the code share agreement is consistent with the summary provided in the Qantas application and that the Commission approves the final code share agreement before services commence.

#### **4 Decision [2000] IASC 205**

4.1 In accordance with section 24 of the Act, the Commission varies Determinations IASC/DET/9712, IASC/DET/9713, IASC/DET/9914 and [2000] IASC 112 as requested by Qantas by:

*adding* the following conditions

- “the capacity may be used by Qantas to provide services jointly with Finnair in accordance with:
  - the finalised code share agreement, signed by Qantas and Finnair, being approved by the Commission, with such additional conditions (if any) as the Commission may require, prior to code share services commencing; or
  - any subsequent code share agreement between Qantas and Finnair for operations on the Australia-Singapore route with the prior approval of the Commission; and
- under any code share agreement with Finnair:
  - Qantas must price its services on the route independently;
  - Qantas must not share or pool revenues on the route; and
  - Qantas must take all reasonable steps to ensure that passengers are informed of the carrier actually operating the flight at the time of booking;”

Dated: 16 May 2000

Michael Lawriwsky  
Member

Stephen Lonergan  
Member