



Australian Government

International Air Services Commission

DECISION

Decision: [2008] IASC 209
Variation of: [2006] IASC 110
The Route: Thailand
The Applicant: Qantas Airways Limited
(ACN 009 661 901) (Qantas)
Public Register: IASC/APP/200807

1 The application

1.1 Qantas applied to the Commission on 17 April 2008, amended on 23 April 2008, to reduce the capacity allocated by Determination [2006] IASC 110 (the Determination) on the Thailand route by four third-country code share services per week. Qantas advised that it is no longer code sharing with Malev Hungarian Airlines so no longer requires this capacity. The Material supplied by the applicant is filed on the Register of Public Documents.

2 Commission's consideration

2.1 If an Australian carrier applies for a variation of a determination, the only effect of which would be to reduce capacity, the Commission is not required to invite submissions (section 22(1A) of the *International Air Services Commission Act 1992*) and must vary the determination as requested in the application (section 24(3)).

3 Decision ([2008] IASC 209)

3.1 In accordance with section 24(3) of the Act, the Commission varies Determination [2006] IASC 110, as varied by Decisions [2007] IASC 207 and [2007] IASC 209, by

removing the following from paragraph 3.1 of the Determination:

“allocating the equivalent of seven weekly B747 services in each direction and four third country code share services per week in each direction on the Thailand route under the Australia – Thailand air services arrangements”

and *replacing* it with

“allocating the equivalent of seven weekly B747 services in each direction on the Thailand route under the Australia – Thailand air services arrangements”

and

removing the following from paragraph 3.3 of the Determination:

- “the capacity may be used by Qantas to provide services jointly with Malev Hungarian Airlines (Malev) in accordance with:
 - the code share agreement dated 16 April 2007 between Qantas and Malev for operations on the Australia - Thailand route;
 - or any subsequent code share agreement between Qantas and Malev for operations on the Australia - Thailand route with the prior approval of the Commission; and
- under any code share agreement with Malev:
 - Qantas must price and sell its services on the route independently of Malev; and
 - Qantas must not share or pool revenues on the route with Malev;”

Dated: 1 May 2008

John Martin
Chairman

Philippa Stone
Member

Ian Smith
Member