



INTERNATIONAL AIR SERVICES COMMISSION

DECISION

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| DECISION: | [2001] IASC 205 |
| VARIATION OF: | IASC/DET/9721, IASC/DET/9731 AND IASC/DET/9819 |
| THE ROUTE: | FRANCE (ROUTE 2) |
| THE APPLICANT: | QANTAS AIRWAYS LIMITED (QANTAS) (ACN 009 661 991) |

1 The application

1.1 On 4 January 2001 Qantas applied for a variation to Determinations 9721, 9731 and 9819, allocating capacity on the France (Route 2) route, to allow Qantas to code share on services operated by Polynesian Airlines between Australia and Papeete, French Polynesia.

1.2 Qantas proposes to commence code sharing on Polynesian as soon as approval is received.

1.3 The Commission published a notice on 4 January 2001 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. 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 – France air services arrangements allow the designated airlines of Australia to enter into cooperative arrangements with any airline to operate services between Australia and French Polynesia.

3 Commission's assessment

3.1 Under paragraph 6.3 of the Minister's Policy Statement, in the absence of submissions about or opposing an application, the Commission is required only to apply the criteria in paragraph 4 of the Policy Statement. Under paragraph 4 the use of Australian entitlements by a carrier that is reasonably capable of obtaining the necessary approvals and of implementing its proposals is of benefit to the public. For an established international carrier such as Qantas, this means that there is public benefit arising from the use of the entitlements.

4 Decision [2001] IASC 205

4.1 In accordance with section 24 of the Act, the Commission varies Determination IASC/DET/9721, IASC/DET/9731 and IASC/DET/9819 as requested by Qantas by:

adding the following

- “the capacity may be used by Qantas to provide services jointly with Polynesian Airlines in accordance with the amendment agreement of 8 December 2000 to the code share agreement dated 15 October 1999 between the two carriers, or, with the prior approval of the Commission, variations to that agreement or any new arrangements (whether or not it replaces the existing agreement) which relate to code sharing with Polynesian on the French Polynesia route;

subject to the following conditions:

- Qantas must price and sell its services on the route independently;
- Qantas must not share or pool revenues; 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: 15 February 2001

Ross Jones
Chairman

Michael Lawriwsky
Member

Stephen Lonergan
Member