



## **Australian Government**

### **International Air Services Commission**

#### **RESOLUTIONS**

**Resolution:** [2017] IASC R02  
**Determination:** [2013] IASC 119  
**Public register file:** IASC/APP/201743

**Resolution:** [2017] IASC R03  
**Determination:** [2014] IASC 109  
**Public register file:** IASC/APP/201744

**Resolution:** [2017] IASC R04  
**Determination:** [2017] IASC 118  
**Public register file:** IASC/APP/201745

**The Route:** Italy  
**The Carrier:** Qantas Airways Limited  
ABN 16 009 661 901 (Qantas)

On 4 September 2017, the Department of Infrastructure and Regional Development (the Department) advised the Commission of specific provisions inserted in the Australia-Italy air services arrangements during the negotiations between Australian and Italian aeronautical authorities in June 2017. These provisions include an explicit reference that the weekly capacity entitlements allocated for code share services are to be averaged over 12 months rather than reflect a weekly maximum.

Under the averaging methodology, a carrier may exceed its weekly capacity allocation for code share services from time to time so long as the total amount of capacity utilised during the year does not exceed the total annual capacity allocation (weekly capacity allocated multiplied by fifty-two weeks).

Paragraph 7(2)(aa) of the *International Air Services Commission Act 1992* (the Act) requires that a determination issued by the Commission must not be contrary to any restrictions contained in the relevant bilateral air services arrangements. In positive terms, the Act requires that a determination allocating capacity must be consistent with the relevant air services arrangements.

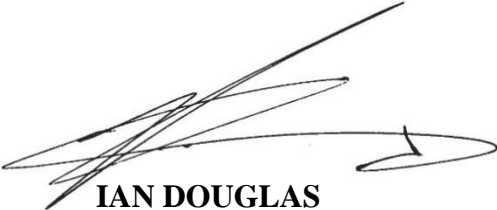
In light of the above, the Commission issues this resolution recognising the averaging-out methodology by inserting a condition to the following determinations, which states that ‘the capacity allocation is averaged over 12 months in accordance with the Australia-Italy air services arrangement’:

- [2013] IASC 119 allocating 300 third country code share seats per week, valid until 7 August 2018;
- [2014] IASC 109 allocating 400 third country code share seats per week, valid until 7 June 2020;
- [2017] IASC 118 allocating 300 third country code share seats per week, valid until 30 August 2022.

The Commission resolves to recognise that the averaging-out methodology applies to capacity allocations on the Italy route from the date that the Australia-Italy air services arrangements came into effect on 8 June 2017.

As the variations to be made to the relevant determinations are administrative in character, and for the sole purpose of aligning the determinations with the recent updates to the Australia-Italy air services arrangements, the Commission has decided to achieve this variation by issuing a resolution on the matter.

Date: 6 September 2017



**IAN DOUGLAS**  
Chairperson



**JAN HARRIS**  
Commissioner