Australian Government

International Air Services Commission

RENEWAL DETERMINATION

Determination:	**[2026] IASC 112**
Renewal of:	**[2021] IASC 106**
The Route:	**France - Route 1**
The Applicant:	**Qantas Airways Limited (ABN 16 009 661 901)**
Public Register File:	**IASC/APP/202618**

The Commission makes a fresh determination allocating to Qantas Airways Limited 250 one-way code share seats of capacity per day on the France - Route 1, averaged over a 12-month period, for code share services with Air France, British Airways and Emirates. The determination is valid for five years from 22 May 2027.

1. The application

1.1 On 22 July 2021, the International Air Services Commission (the Commission) issued renewal Determination [2021] IASC 106 (the Determination) allocating to Qantas Airways Limited (Qantas) 250 one-way code share seats of capacity per day on the France - Route 1. The Determination permits Qantas to utilise the capacity for code share services with Air France, British Airways and Emirates, on a free-sale basis.

1.2 On 30 May 2025, the Commission issued Resolution [2025] IASC R03 approving the capacity allocated under Determination [2021] IASC 106 to be used between Qantas and Air France to offer code share services on the Tokyo (Haneda) – Paris route, in accordance with the Australia - France air services arrangements.

1.3 Section 17 of the *International Air Services Commission Act 1992* (the Act) requires the Commission to start its consideration of the renewal of a determination at least 12 months before the expiry of the original determination. The Determination is due to expire on 21 May 2027. In view of this, the Commission sent, on 22 May 2026, a letter to Qantas inviting it to apply for renewal if it wished to renew the Determination.

1.4 On 27 July 2026, Qantas applied to the Commission for a renewal of the Determination for a further period of five years from 22 May 2027 and requested the retention of all existing conditions.

1.5 In accordance with sections 12 and 17 of the Act, the Commission published, on 29 July 2026, a notice on its website and subsequently sent a notification by email to stakeholders inviting other applications for capacity on the route. No other applications were received.

1.6 On 7 September 2026, the Commission requested clarification regarding the city pairs covered by Qantas' renewal application and whether the Paris-Bangkok city-pair formed part of the Qantas-Air France code share arrangement. On 8 September 2026, Qantas confirmed that the Paris-Bangkok city pair does not form part of the code share arrangement and requested that the reference be removed from the application.

1.7 All non-confidential material supplied by the applicant is available on the Commission's website (www.iasc.gov.au).

2. Air services arrangements

2.1 Paragraph 7(2)(aa) of the Act provides that the Commission must not allocate available capacity contrary to any restrictions on capacity contained in a bilateral arrangement.

2.2 The Australia-France air services arrangements provide a total of 400 one-way seats per day in each direction, averaged over a 12-month period, for use by Australian designated airlines through code share or other joint venture arrangements. The Commission notes that all one-way seats have been allocated.

2.3 Under the Australia-France air services arrangements, Australian designated airlines may enter into arrangements with other airlines, including airlines of third countries, to undertake services through code share, blocked space, or other joint venture arrangements.

3. Commission's consideration

3.1 Section 8 of the Act provides that the Commission may, at any time while a determination is in force, make a fresh determination allocating the capacity to which the original determination relates. Subsection 8(2) provides in part that the fresh determination must make the same allocation of capacity as the original determination unless the Commission is satisfied that the allocation is no longer of benefit to the public. In assessing the benefit to the public of an allocation of capacity, the Commission must apply the criteria set out for that purpose in the policy statement made by the Minister under section 11 of the Act.

3.2 In accordance with section 11 of the Act, the Minister issued the International Air Services Commission Policy Statement 2018 (the Policy Statement) which came into effect on 28 March 2018. The Policy Statement sets out the criteria which the Commission is required to apply in assessing the benefit to the public of allocations of capacity.

3.3 Section 14 of the Policy Statement applies where the Commission is proposing to make a fresh determination under section 8 of the Act, and is considering whether the allocation of capacity in the original determination is no longer of benefit to the public for the purpose of subparagraph 8(2)(a)(i) of the Act.

3.4 Under section 14 of the Policy Statement, there is a presumption in favour of renewal of the allocation to the incumbent carrier. The presumption may, however, be rebutted where the Commission finds the allocation is generally no longer of benefit to the public.

3.5 Subsection 14(2) of the Policy Statement provides that, without limiting the matters to which the Commission may have regard, an allocation is generally no longer of benefit to the public if:

- the carrier has failed to service the route effectively (paragraph 14(2)(a)); and
- there are other applications for some or all of the capacity (paragraph 14(2)(b)); and
- the Commission is satisfied that a different allocation of capacity would be of greater benefit to the public, having regard to the criteria set out in sections 8 and 9 of the Policy Statement (paragraph 14(2)(c)).

3.6 The Commission notes that, under subsection 14(2) of the Policy Statement, an allocation will generally no longer be of benefit to the public where all of the above conditions are satisfied.

3.7 The Commission has also considered the ‘reasonable capability criterion’ in section 8 of the Policy Statement, i.e. the extent to which all Australian carriers that are, or would be, permitted to use the capacity allocated under a determination are reasonably capable of: (a) obtaining any licences, permits or other approvals required to operate on and service the route to which the determination relates; and (b) using the capacity allocated under the determination and did not find it necessary to apply the additional criteria in section 9.

3.8 Qantas is an established carrier that currently operates scheduled international services between Australia and several international points, including on the France - Route 1. The Commission therefore finds that the carrier is reasonably capable of obtaining the necessary regulatory approvals to operate and service the France - Route 1 and of using the capacity allocated under the Determination.

3.9 In assessing the current Qantas application for renewal, the Commission considered whether the carriers have failed to service the route effectively.

3.10 The Commission does not have information that suggests that Qantas has failed to service the route effectively. In its application, Qantas stated that it continues to utilise the allocated capacity through its code share arrangements with Air France, British Airways and Emirates to certain points in France. The relevant city pairs on the France - Route 1 covered by these arrangements are:

British Airways	London (Heathrow) – Marseille vv London (Heathrow) – Toulouse vv
Emirates	Dubai – Paris (Charles de Gaulle) vv Dubai – Lyon vv Dubai – Nice vv
Air France	Paris (Charles de Gaulle) – Hong Kong vv Paris (Charles de Gaulle) – Tokyo (Haneda) vv Paris (Charles de Gaulle) – Singapore vv

3.11 There are no other applications for some or all of the capacity to which the determination in question relates, and therefore the condition in paragraph 14(2)(b) of the Policy Statement is not satisfied. The Commission therefore finds that the proposed allocation does not fall within the class of allocations that are generally no longer of benefit to the public contemplated by subsection 14(2) of the Policy Statement.

3.12 There is no other information before the Commission that it considers to be relevant or material to its assessment of Qantas' application. Based on its findings above, the Commission is not satisfied that the allocation of capacity in the original determination is no longer of benefit to the public for the purposes of subparagraph 8(2)(a)(i) of the Act. Therefore, the Commission is required to make the same allocation of capacity as the original determination (see paragraph 8(2)(a) of the Act).

3.13 The Commission will continue to monitor the utilisation of capacity by Qantas on this route.

3.14 Under section 19 of the Act, the Commission "must include the same terms and conditions as the original determination to which it relates" (paragraph 19(1)(c)), but "may make such changes (if any) to the terms and conditions included in the original determination (including adding or deleting terms and conditions) as it is satisfied that are warranted because of changes in circumstances since the original determination was made" (subsection 19(3)).

3.15 The original determination was made during the COVID-19 period, when detailed reporting on seats utilised under code share arrangements was not available. As such reporting is now available, the Commission has decided to include a condition requiring Qantas to report on the number of seats utilised under its code share arrangements with Air France, British Airways and Emirates. The Commission considers that periodic utilisation reporting will assist it in monitoring the use of allocated capacity and compliance with the utilisation condition attached to the determination.

3.16 The Commission has also included a condition requiring notification if the code share services are suspended or cease operating, to ensure that it is promptly informed of changes to the operation of the arrangement that may be relevant to the utilisation of the allocated capacity.

3.17 The Commission has therefore decided to issue this determination subject to the conditions set out in item 4 below.

3.18 Nothing in this decision should be taken as indicating either approval or disapproval by the Australian Competition and Consumer Commission (ACCC). This decision is made without prejudicing, in any way, possible future consideration of code share operations by the ACCC.

4. Determination allocating capacity on the France - Route 1 to Qantas Airways Limited ([2026] IASC 112)

4.1 In accordance with section 7 of the Act, the Commission makes a fresh determination in favour of Qantas Airways Limited, allocating 250 one-way code share seats of capacity per day on the France - Route 1, in accordance with the Australia – France air services arrangements.

4.2 The determination is valid for five years from 22 May 2027.

4.3 The determination is subject to the following conditions:

a) Qantas Airways Limited is required to fully utilise the capacity from the date the determination comes into effect or from such other date approved by the Commission.

b) Only Qantas Airways Limited is permitted to utilise the capacity.

c) Qantas Airways Limited is not permitted to utilise the capacity to provide services jointly with another carrier or any other person unless approved by the Commission.

d) Subject to the preceding condition, the capacity may be used by Qantas Airways Limited to provide code share services with:

   i. Société Air France, in accordance with the code share agreement between the two carriers, made effective on 23 May 2018, as amended;

   ii. British Airways Plc, in accordance with the code share agreement between the two carriers, made effective on 19 November 2013, as amended; and

   iii. Emirates, in accordance with the code share agreement between the two carriers, made effective on 21 January 2013, as amended.

e) Qantas Airways Limited must obtain the Commission's written approval before implementing any changes to any code share agreement that: (a) would change the code share services on the route; (b) would change the relevant commercial aspects of the structure of the agreement from a free-sale code share arrangement to a blocked space; or (c) if the airlines propose to add third country routes on which the airlines will code share where Australian capacity will be used for services on that route.

f) Qantas Airways Limited must notify the Commission in writing no later than 30 days after the end of the relevant IATA scheduling season, if the code share services between Qantas Airways Limited and Société Air France, British Airways Plc or Emirates on the France - Route 1 are suspended or cease operating for any period of time.

g) Qantas Airways Limited must submit a report to the Commission, no later than 30 days after the end of each IATA scheduling season, setting out the average number of seats utilised for code sharing with Société Air France, British Airways Plc and Emirates.

h) To the extent that the capacity is used to provide code share services on the route, the airlines must take all reasonable steps to ensure that passengers are informed, at the time of booking, of the carrier operating the flight.

i) Nothing in this determination exempts the airlines from complying with Australian Consumer Law.

j) Changes in relation to the ownership and control of Qantas Airways Limited are permitted except to the extent that any change:

   - results in the designation of the airline(s) as an Australian carrier under the Australia – France air services arrangements being withdrawn; or

   - has the effect that another Australian carrier, or a person (or group of persons) having substantial ownership or effective control of another Australian carrier, would take substantial ownership of Qantas Airways Limited (or the wholly-owned subsidiary) or be in a position to exercise effective control of Qantas Airways Limited (or the wholly-owned subsidiary), without the prior consent of the Commission.

Dated: 14 September 2026

Jane McKeon
Chairperson

Timothy Grimwade
Commissioner