



Australian Government

International Air Services Commission

RESOLUTION

Resolution: [2021] IASC R03
Determination: [2019] IASC 119
The Route: Japan
The Applicant: Virgin Australia International Airlines Pty Ltd
(ABN 63 125 580 823)
Public register file: IASC/APP/202107

On 28 October 2019, the International Air Services Commission (the Commission) issued Determination [2019] IASC 119 (the Determination) allocating one frequency per day in each direction to Virgin Australia International Airlines Pty Ltd (Virgin Australia) on the Japan route to serve Tokyo-Haneda Airport. The Determination includes several conditions including the requirement for the capacity to be utilised from no later than 29 March 2020 or from such other date approved by the Commission.

Virgin Australia has advised the Commission that due to the COVID-19 pandemic impacts, including current travel restrictions put in place by the Australian Government in March 2020, Virgin Australia was not able to commence the new services to and from Tokyo-Haneda as originally planned. In light of this, upon the request of Virgin Australia, the Commission issued Resolutions [2020] IASC R02 (17 April 2020); [2020] IASC R04 (19 June 2020); and [2020] IASC R09 (7 December 2020) extending the date of commencement of use of the capacity by Virgin Australia. On 30 March 2021, Virgin Australia wrote to the Commission seeking a further extension of the date of commencing the utilisation of the capacity from 31 March 2021 to 29 October 2022.

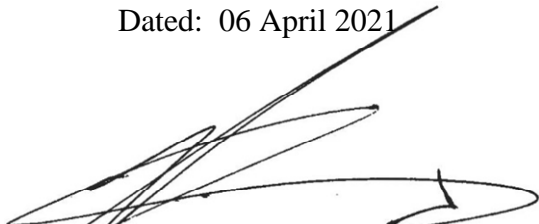
Virgin Australia indicated in its application that due to the closure of Australia's international borders, Virgin Australia has suspended its international operations. However, it also indicated that it intends to recommence its international operations as soon as possible.

The Commission continues to recognise that the COVID-19 pandemic and associated travel restrictions imposed by various countries, have seriously disrupted the international operations of airlines and global competition worldwide. The Commission remains of the view that, against this background, competition and other criteria cannot be assessed as current travel restrictions significantly hamper the Commission's ability to make relevant findings. These matters will be addressed as appropriate as international scheduling and operations permit.

The Commission notes that the Australian Government has indicated that international borders will remain closed until at least June 2021 and there is no immediate pressure from the Japanese regulators to see the new Haneda slots utilised. In light of these exceptional circumstances, the Commission considers that periodic resolutions extending the date for commencement of the Tokyo-Haneda capacity in line with IATA seasons remains appropriate. By following the IATA schedule season, the Commission links the resolutions to well-established patterns in the industry and gives some certainty to airlines.

The Commission issues Resolution [2021] IASC R03 to provide that the capacity issued under Determination [2019] IASC 119 is to be utilised from no later than 31 October 2021, or such other date approved by the Commission. The Commission will continue to monitor the airline's ability to utilise the capacity on the route.

Dated: 06 April 2021



IAN DOUGLAS
Chairperson



KAREN GOSLING
Commissioner