

IATA Working Groups & Committees

TITLE: Competition Law Guidelines for IATA Industry Committee Meetings

PRESENTED BY: Secretariat

COMPETITION LAW GUIDELINES FOR IATA INDUSTRY COMMITTEE MEETINGS

Trade association activities of the International Air Transport Association ("IATA") include six standing committees that advise IATA employees on cargo, environmental, financial, industry affairs, legal and operations matters ("IATA Advisory Committees"). IATA is publishing these Competition Law Guidelines to ensure that these meetings are conducted in compliance with all applicable competition laws.

Statement of Policy

The purpose of IATA Industry Committees is to provide an opportunity for representatives of Member airlines to inform IATA officials of developments of interest in the airline industry and the needs of the industry; and to provide feedback on IATA's efforts to represent, lead and serve the industry. It is IATA's intent that the conferences shall be conducted in full compliance with United States antitrust laws, the competition rules of the Treaty of Rome, and the competition laws of other jurisdictions, taking into account any applicable exemptions or immunities from those competition laws.

Procedural Guidelines

IATA Industry Committee meetings shall be conducted pursuant to the following procedures in order to ensure compliance with all relevant competition laws:

1. Industry Committee meetings shall be conducted at regular scheduled sessions, at special meetings initiated pursuant to procedures set forth in IATA's internal governance rules, or through the activities of duly designated sub-committees. Informal sessions of committee members to take final action on agenda items are prohibited. All discussions or conversations among committee participants, including during breaks and scheduled or non-scheduled social activities connected with committee meetings, must follow these Guidelines.
2. Industry Committee meetings shall be conducted in accordance with written agendas that are reviewed in advance by IATA counsel familiar with the competition laws of the United States, the European Community and other relevant jurisdictions to assure that the agenda items are in compliance with these laws. Agendas will be distributed in advance of the conference meetings.
3. Minutes of Industry Committee meetings shall be kept, including indications of a Member airline or a Partnership Program member absents him/herself from the meeting for a particular agenda item.

Prohibited Agreements and Activities

1. The following types of agreements, whether express or implied, are **STRICTLY PROHIBITED**:
 - a. Any collective agreement concerning prices to be charged for airline services;
 - b. Any collective agreement allocating markets, territories, customers, suppliers or agents;
 - c. Any collective agreement relating to prices to be paid to suppliers, and any other agreement that is intended to, or that in operation is likely to, harm non-participants, including without limitation any agreement that is intended to, or in operation is likely to, exclude a non-participants from any market; and
 - d. Any agreement that is intended to, or in operation is likely to induce airlines or their suppliers or agents to engage in collective anticompetitive behavior, or to collectively punish any business enterprise for its exercise of independent business judgment.
2. Recognizing that the existence of an unlawful agreement or concerted practice may be inferred from circumstances, including the exchange of information by competitors, discussions or disclosures of the following types of information, are also **PROHIBITED**, except when such information has otherwise been made public or IATA competition counsel advises that such discussions are legally permissible:
 - a. Individual airline fares, rates, charges or surcharges;
 - b. Individual airline costs;
 - c. An individual airline's intentions regarding increasing, reducing or reallocating aircraft capacity (including entering or exiting routes);
 - d. Information on individual airlines customers; and
 - e. Any other sensitive commercial or proprietary information that the company would not disclose in the absence of an express or implied agreement to exchange such information for the purpose of reducing or restricting competition in the airline industry.

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