



ACI Africa / AFRAA / CANSO / IATA / ICAO

AIRPORTS AND AIR NAVIGATION USER CHARGES WORKSHOP

13 – 14 March 2023

Venue: ICAO Western and Central African (WACAF) Office, DKR – EN/FR

Time: 09:00 – 16:30

Competition Law Guidelines

Do not discuss:

- Any element of prices, including fares or service charges
- Commissions
- Allocations of customers or markets
- Marketing plans, commercial terms or any other strategic decision
- Group boycotts
- Your relations with agents, airlines or other third parties
- Any other issue aimed at influencing the independent business decisions of competitors



Legal Statement & Anti Trust



Competition Law Guidelines for IATA Industry Meetings Version 1

IATA is publishing these Competition Law Guidelines to ensure that IATA Industry Meetings are conducted in full compliance with all applicable competition laws.

Statement of Policy

IATA Industry Meetings shall be conducted in full compliance with United States antitrust laws, the competition rules of the European Union, and the competition laws of all other relevant jurisdictions.

Procedural Guidelines

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

- All discussions or conversations among meeting participants, including during breaks and scheduled or non-scheduled social activities connected with the meetings must follow these Guidelines.
- 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 Union and all other relevant jurisdictions to assure that the agenda items are in compliance with these laws.
- All presentations shall be reviewed and approved in advance by IATA's competition compliance attorney.

Prohibited Agreements and Activities

- Unless attendees of IATA Meetings are advised to the contrary by competition counsel, the following types of agreements, whether express or implied, are STRICTLY PROHIBITED:
 - Any collective agreement concerning prices or charges for airline services;
 - Any collective agreement allocating markets, territories, customers, suppliers or agents;
 - Any collective agreement relating to prices or charges 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
 - Any agreement that is intended to, or in operation is likely to induce airlines or their suppliers or agents to engage in collective anticompetitive behaviour, or to collectively punish any business enterprise for its exercise of independent business judgment.
- 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:
 - Individual airline rates, charges or surcharges;
 - Individual airline costs;
 - An individual airline's intentions regarding increasing, reducing or reallocating aircraft capacity (including entering or exiting routes);
 - An individual airline's intentions regarding charging for certain products or services or changes to the existing charges for such products or services;
 - Information on individual airlines customers; and
 - 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.
- The foregoing applies equally to email discussions, instant messaging and social media discussions whether directed to announce participants or other parties not present in the meeting. Participants are reminded that live streaming of

this meeting to parties not present in person is not permitted except as indicated by and with the express permission and knowledge of the Chairperson and IATA and only in the event that specific participation on a given item from a party not present in person is required. Unauthorized recording of the meeting is prohibited.

For any questions please contact IATA legal team at antitrust@iata.org

Joint ICAO / IATA / AFRAA / AFCAC / ACI Africa / CANSO - User Charges Workshop 2023

BREAK

