Regulatory Actions on Major Airline Alliances

Proposed alliances	Geographic scope of alliances	Submission (Notification)	Tentative decision	Final decision	Review or termination	Approval conditions																		Notes
						a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	
U.S. Department of Transportation (DOT)																								
- Antitrust immunity																								
Pan American Airways (PA) - Aeroflot (SU)	Between U.S. and U.S.S.R.	1986 1987 1988*	- 1988[D]	1986[A] 1987[A] 1989[A]	**		x																	* ground accomodation and other tourism services; ** Partnership ended in 1991
Northwest Airlines (NW) - KLM Royal Dutch Airlines (KL)	All international services	1992	1992[A]	1993[A]	5y[R]	x	x	*							x								**	* Voluntary commitment; ** Recusal requirement on KL representatives on NW's board of directors
Delta Air Lines (DL) - Austrian Airlines (OS) - Sabena (SN) - Swissair (SR)	All international services	1995	1996[A]	1996[A]	5y[R], 2007*	x	x	x		x					x						x			* Partnership ended in 2000
American Airlines (AA) - Canadian Airlines (CP)	All international services*	1995	1996[A]	1996[A]	5y[R], 2007**	x	x			x											x		*	* Exclusion of all-cargo services and services to/from third countries; ** Partnership ended in 2000
United Airlines (UA) - Lufthansa (LH)	All international services	1996	1996[A]	1996[A]	5y[R]	x	x	x		x					x						x			
United Airlines (UA) - SAS (SK)*	All international services	1996	-	1996[A]	2001[R]	x	x	x		**					**						x			* Two applications were subsequently consolidated into one; ** Apply conditions imposed on UA-LH
United Airlines (UA) - Lufthansa (LH) - SAS (SK)*	All international services	1996																						
United Airlines (UA) - Air Canada (AC) (I)	All international services*	1996	1997[A*]	1997[A]	5y[R]	x	x			x											x		*	* Exclusion of all-cargo services and services to/from third countries
American Airlines (AA) - British Airways (BA) (I)	All international services	1997	-	1999[D]	1999																			
American Airlines (AA) - LanChile (LA)	All international services	1997	1999[A]	1999[A]	3y[R]	x	x	x		x					x				x		x			
Northwest Airlines (NW) - Alitalia (AZ) - KLM Royal Dutch Airlines (KL)	All international services	1999	1999[A]	1999[A]	2003[R], 2007*	x	x	x							**						x			* Partnership ended in 2000; ** Apply conditions imposed on NW-KL
American Airlines (AA) - Sabena (SN) - Swissair (SR)	All international services	1999	2000[A]	2000[A]	5y[R], 2007*	x	x	x		x					x						x			* Partnership with AA-SR and AA-SN ended in 2001 and 2002, respectively
United Airlines (UA) - Air New Zealand (NZ)	All international services	1999	2001[A]	2001[A]	5y[R]	x	x	x		x					x						x			
Northwest Airlines (NW) - Malaysia Airlines (MH)	All international services	2000	-	2000[A]	5y[R], 2007*	x	x	x							x						x			* Airlines did not implement the alliance
Icelandair (FI) - SAS (SK)	All international services	2000	-	2000[A]	5y[R]	x	x	x													x			
United Airlines (UA) - Austrian Airlines (OS) - Lauda Air (NG) - Lufthansa (LH) - SAS (SK)	All international services	2000	-	2001[A]	2001[R]	x	x	x		*					x						x			* Apply conditions imposed on UA-LH and UA-LH-SK
Continental Airlines (CO) - COPA (CM)	All international services	2000	-	2001[A]	5y[R]	x	x	x													x			
American Airlines (AA) - TACA Group (TA)	All international services	2000	-	-	2005*																			* Airlines requested DOT to dismiss the application in 2002

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						a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	
Delta Air Lines (DL) - Air France (AF) - Alitalia (AZ) - CSA Czech Airlines (OK)	All international services	2001	2001[A]	2002[A]	5y[R]	x	x	x		x					x						x			
American Airlines (AA) - British Airways (BA) (II)	All international services	2001	2002[A]	2002[D*]	2007	(x)	(x)	(x)		(x)	(x)				(x)						(x)		(**)	* Granted motion to dismiss requested by airlines; ** Subject to the achievement of U.S. - U.K. “open skies” agreement
United Airlines (UA) - Austrian Airlines (OS) - bmi British Midland (BD) - Lauda Air (NG) - Lufthansa (LH) - SAS (SK)	All international services	2001	2002[A]	2002[A]	5y[R]	x	x	x		*					x						x		**	* Apply conditions imposed on UA-LH, UA-LH-SK and UA-OS-NG-LH-SK; * Subject to the achievement of U.S. - U.K. “open skies” agreement with six months (the deadline was extended two times in 2002; the specific deadline was removed in 2003; Apply upon the provisional effective date of U.S.-EU air transport agreement)
Delta Air Lines (DL) - Air France (AF) - Alitalia (AZ) - CSA Czech Airlines (OK) - Korean Air (KE)	All international services	2002	-	2002[A]	2007[R]	x	x	x		*					x						x			* Apply conditions imposed on DL-AF-AZ-OK
American Airlines (AA) - Finnair (AY)	All international services	2002	-	2002[A]	5y[R]	x	x	x							x						x			
American Airlines (AA) - Swiss International Air Lines (LX)	All international services	2002	-	2002[A]	5y[R], 2007*	x	x	x							x						x			* Partnership ended in 2005
Aloha Airlines (AQ) - Hawaiian Airlines (HA)	Within Hawaii	2002	-	2002[A*]	2003																x	x		* Based on Aviation and Transportation Security Act of 2001 through October 2003
United Airlines (UA) - Asiana Airlines (OZ)	All international services	2003	-	2003[A]	5y[R]	x	x	x							x						x			
American Airlines (AA) - SN Brussels Airlines (QG)	All international services	2003	-	2004[A]	5y[R]	x	x	x							x						x			
America West Airlines (HP) - Royal Jordanian (RJ)	All international services	2004	-	2005[A]	5y[R], 2007*	x	x	x							x						x			* Replaced by codeshare authority between US Airways (US) and RJ in 2007
Delta Air Lines (DL) - Northwest Airlines (NW) - Air France (AF) - Alitalia (AZ) - CSA Czech Airlines (OK) - KLM Royal Dutch Airlines (KL) (I)	All international services	2004	2005[D]	2006[D*]	-																			* Granted motion to dismiss requested by airlines
American Airlines (AA) - Lan Peru (LP) - Lan Airlines (LA)	All international services	2004	-	2005[A]	5y[R]	x	x	x		x											x			
United Airlines (UA) - Austrian Group (OS) - bmi British Midland (BD) - LOT Polish Airlines (LO) - Lufthansa (LH) - SAS (SK) - Swiss International Air Lines (LX) - TAP Portugal (TP)*	All international services	2005	2006[A]	2007[A]	5y[R]	x	x	x		**											x		***	* Two applications were subsequently consolidated into one; ** Apply conditions imposed on UA-LH, UA-LH-SK, UA-AC, UA-OS-NG-LH-SK and UA-OS-BD-NG-LH-SK; *** bmi is subject to the achievement of U.S. - U.K. “open skies” agreement;
United Airlines (UA) - Air Canada (AC) (II)*	All international services	2005																						
Delta Air Lines (DL) - Northwest Airlines (NW) - Air France (AF) - Alitalia (AZ) - CSA Czech Airlines (OK) - KLM Royal Dutch Airlines (KL) (II)	Transatlantic	2007	2008[A]	2008[A]	5y[R]*	x	x	x		**											x		***	* Expire if AF-DL-KL-NW 4-way joint venture is not implemented within 18 months; ** Apply conditions imposed on DL-AF-AZ-OK until 4-way joint venture is implemented; *** Apply antitrust law to U.S. domestic and non-transatlantic services
American Airlines (AA) - Iberia (IB) - Finnair (AY) - Malev (MA) - Royal Jordanian (RJ)	All international services	2007	-	-	2008*																			* Airlines requested DOT to dismiss the application in 2008

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						a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	
American Airlines (AA) - British Airways (BA) - Iberia (IB) - Finnair (AY) - Royal Jordanian (RJ)	All international services	2008	-	-	-																			
Continental Airlines (CO) - United Airlines (UA) - Air Canada (AC) - Austrian Group (OS) - bmi British Midland (BD) - LOT Polish Airlines (LO) - Lufthansa (LH) - SAS (SK) - Swiss International Air Lines (LX) - TAP Portugal (TP)	All international services	2008	2009[A]	2009[A]	5y[R]*	x	x	x		**											x		***	* Expire if AC-CO-LH-UA 4-way joint venture is not implemented within 18 months; ** Apply conditions imposed on UA-LH and UA-AC until 4-way joint venture is implemented and impose additional carve outs (such as US-Beijing); *** Apply antitrust law to U.S. domestic services
Delta Air Lines (DL) - Pacific Blue (DJ) - V Australia (VA) - Virgin Blue (DJ)	All international services	2009	-	-	-																			
- Selected other cases																								
Northwest Airlines (NW) - KLM Royal Dutch Airlines (KL)	(Equity transactions)	1989	-	1989[A]	-																	x	*	* Limitation of KL's ownership in NW and restrictions on KL representatives on NW's board of directors (amended in 1991)
USAir (US) - British Airways (BA)	(Equity transactions and subsidiary agreements)	1992	1992*	1993[A]	**																			* Withdrew the initial transaction plan; ** Partnership ended in 1996
Continental Airlines (CO) - Northwest Airlines (NW)	(Equity transactions)	1998*	-	2000[A**]	2001																		***	* Department of Justice's antitrust lawsuit; ** Settlement of lawsuit ; *** Sale of NW's controlling interest in CO except a golden share (which was redeemed by CO in 2008)
United Airlines (UA) - US Airways (US)	U.S. domestic (codesharing and FFPs)	2002	-	2002[A]	-				x					x									*	* Requirements to act independently in establishing terms and conditions of FFPs and in biding on corporate contracts
Continental Airlines (CO) - Delta Air Lines (DL) - Northwest Airlines (NW)	U.S. domestic (codesharing and FFPs)	2002	2003[A] 2003[#]	2003[A]	*				x		x			x		x			x				*	* Partnership ended in 2009; ** No establishment of steering committee to coordinate pricing, scheduling, capacity, entry/exit, revenue management, FFPs etc
European Commission																								
- Exemption from competition rules																								
Icelandair (FI) - SAS (SK)	Between Hamburg, Copenhagen and Reykjavik	1994	-	1994	-																			
Lufthansa (LH) - SAS (SK)	Networkwide especially between Germany and Nordic countries	1995	1995[#] 1995[A]	1996[A]	10y till 2005						x		x			x	x			x		x		
Austrian Airlines (OS) - Sabena (SN) - Swissair (SR) - Delta Air Lines (DL)	Networkwide especially between Europe and U.S.	1996	-	-	*																			* Partnership ended in 2000, making investigation obsolete

Proposed alliances	Geographic scope of alliances	Submission (Notification)	Tentative decision	Final decision	Review or termination	Approval Conditions																			Notes
						a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r		
British Airways (BA) - American Airlines (AA) (I)	Networkwide especially between Europe and U.S.	1996	1998[A#]	-	*				(x)		(x)		(x)			(x)	(x)							* Investigation became dormant in 1999 due to DOT's dismissal
KLM Royal Dutch Airlines (KL) - Northwest Airlines (NW)	Networkwide especially between Europe and U.S.	1996	2002[A]	2002[A]	-																			
Lufthansa (LH) - SAS (SK) - United Airlines (UA)	Networkwide especially between Europe and U.S.	1996	1998[A#] 2002[A]	2002[A]	-			x			x						x						*	* German government declared not to regulate 6th freedom tariffs on specific routes
Finnair (AY) - Maersk Air (DM)	Between Copenhagen and Stockholm	1997	-	1998[A]	6y till 2003																			
Air France (AF) - Continental Airlines (CO)	Networkwide especially between Europe and U.S.	1998	-	-	*																			* Partnership ended in 2001, making investigation obsolete
Air France (AF) - Delta Air Lines (DL)	Networkwide especially between Europe and U.S.	1998*	-	-	-																			* Coverage was extended to SkyTeam in 2002
Austrian Airlines (OS) - Lufthansa (LH)	Networkwide especially between Austria and Germany	1999	2000[#] 2001[D] 2001[A]	2002[A]	6y till 2005		x		x		x		x				x	x				x		
Austrian Airlines (OS) - SAS (SK)	Networkwide especially between Austria and Nordic countries	1999	2000[#] 2005[A]	-	-						(x)		(x)				(x)	(x)						
bmi British Midland (BD) - Lufthansa (LH) - SAS (SK)	Within EEA to/from London Heathrow/Stansted	2000	2001[A]	2001[A]	6y till 2006						x													
Air France (AF) - Alitalia (AZ)	Networkwide especially between France and Italy	2001	2002[#] 2003[A]	2004[A]	6y till 2007						x		x				x	x						
British Airways (BA) - American Airlines (AA) (II)	Networkwide especially between Europe and U.S.	2001	-	-	2002*																			* Investigation was closed in 2002 after DOT's dismissal
bmi British Midland (BD) - United Airlines (UA)	Networkwide especially between Europe and U.S.	2001	-	-	-																			
British Airways (BA) - Iberia (IB) - GB Airways (GT)	Networkwide especially between Spain and U.K.	2002	2003[A]	2003[A]	6y till 2008						x		x				x							
British Airways (BA) - SN Brussels Airlines (QG)	Networkwide especially between Belgium and U.K.	2002	-	2003[A]	6y till 2008						x													
British Airways (BA) - Finnair (AY)	Networkwide especially between Finland and U.K.	2002	-	-	-																			
Member airlines of SkyTeam	Networkwide	2002	2006[D] 2007[A]	-	-																			
Lufthansa (LH) - Air Canada (AC) - Continental Airlines (CO) - United Airlines (UA)	Transatlantic	2009	-	-	-																			
British Airways (BA) - Iberia (IB) - American Airlines (AA)	Transatlantic	2009	-	-	-																			

Proposed alliances	Geographic scope of alliances	Submission (Notification)	Tentative decision	Final decision	Review or termination	Approval Conditions																		Notes
						a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	
- Selected cases under merger procedure																								
Air France (AF) - Sabena (SN)	(Equity transactions and subsidiary agreements)	1992	-	1992[A]	*						x	x	x										**	* Partnership ended in 1995; Belgian and French governments declared to adopt multiple designation for Hungary and Turkey and take steps to ensure the approval conditions
Sabena (SN) - Swissair (SR)	(Equity transactions and subsidiary agreements)	1995	-	1995[A]	*						x		x				x			x			**	* Partnership ended in 2001; ** Belgian and Swiss governments declared to adopt multiple designation, abolish capacity restrictions, adopt country-of-origin tariffs and accept four EEA airlines for 5th freedom services
Alitalia (AZ) - KLM Royal Dutch Airlines (KL)	(Joint venture)	1999	-	1999[A]	*				x		x		x			x	x	x						* Partnership ended in 2000
Air France (AF) - KLM Royal Dutch Airlines (KL)	(Merger through equity transactions)	2003	-	2004[A]	-				x		x		x				x	x					*	* French and Dutch governments declared to grant 5th freedom rights to new entrants and not to regulate 6th freedom tariffs on specific routes
Lufthansa (LH) - Swiss International Air Lines (LX)	(Merger through equity transactions)	2005	-	2005[A]	-				x		x		x				x	x		x			*	* German and Swiss governments declared not to regulate 6th freedom tariffs on specific routes; Swiss government declared to grant 5th freedom rights to new entrants and negotiate with bilateral partners on ownership & control clause
Lufthansa (LH) - Brussels Airlines (SN)	(Equity transactions)	2008	2009[#]	2009[A]	-						x						x	x						
bmi British Midland (BD) - Lufthansa (LH)	(Equity transactions)	2009	-	2009[A]	-																			
Austrian Airlines (OS) - Lufthansa (LH)	(Equity transactions)	2009	2009[#]	2009[A]	-																			
U.K. Office of Fair Trading (OFT)																								
British Airways (BA) - American Airlines (AA) (I)	Networkwide	1996	1996[A*]	-	-						(X)													* Department of Trade and Industry (DTI) asked OFT to investigate
British Airways (BA) - American Airlines (AA) (II)	Networkwide	2001	-	-	2002*																			* Notification was withdrawn
bmi British Midland (BD) - United Airlines (UA)	Networkwide	2001	-	2002[A]	7y or until 2010																		*	* Subject to the lift of restrictions upon BD preventing it from flying to U.S. from London Heathrow
Australian Competition and Consumer Commission (ACCC)																								
Qantas (QF) - British Airways (BA) (I)	Between Australia, SE Asia and Europe	1994	1994[D]	1995[A]	5y till 2000				x				x									x	*	* Acceptance of interlining between QF and BA including net fares without endorsement

Proposed alliances	Geographic scope of alliances	Submission (Notification)	Tentative decision	Final decision	Review or termination	Approval Conditions																		Notes
						a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	
Ansett Australia (AN) - Ansett International (AN) - Air New Zealand (NZ) - Singapore Airlines (SQ)	Between SE Asia, Singapore (incl. beyond), Australia (incl. domestic and beyond) and New Zealand (incl. beyond)	1997	1998[A]	1998[A]	5y till 2003*																			* Partnership ended virtually in 2001-02
Qantas (QF) - British Airways (BA) (II)	Between Australia, any intermediate point and Europe, and other routes	1999	2000[A]	2000[A]	3y till 2003*																			* Extended in 2003 by interim authorization pending a decision on a new application
Qantas (QF) - Air New Zealand (NZ) - Air Pacific (FJ)* (I)	Within/to/from New Zealand (including equity transactions)	2002	2003[D]	2003[D]	-																			* FJ was subsequently joined
Qantas (QF) - Air New Zealand (NZ) - Air Pacific (FJ) (Ia)	Within/to/from New Zealand (including equity transactions)	2003*	-	2004[A]	5y till 2010**																			* Appeal to Competition Tribunal from ACCC's determination; ** Not implemented
Qantas (QF) - British Airways (BA) (III)	Between Australia, any intermediate point and Europe, and other routes	2003	2004[A]	2005[A]	5y till 2010																			
Qantas (QF) - Orangestar (VF/3K)	Networkwide	2006	2006[A]	2006[A]	5y till 2011																			
Qantas (QF) - Air New Zealand (NZ) (II)	Between Australia and New Zealand	2006	2006[D]	-	2006*																			* Application was withdrawn after tentative determination
Air Canada (AC) - Air New Zealand (NZ)	Between Sydney/Auckland and Vancouver	2008	2008[D]	2009[D]	-																			
Pacific Blue (DJ) - V Australia (VA) - Virgin Blue (DJ) - Delta Air Lines (DL)	Transpacific network	2009	-	-	-																			
New Zealand Commerce Commission (NZCC)																								
Air New Zealand (NZ) - Qantas (QF) (I)	Within/to/from New Zealand (including equity transactions)	2002	2003[D]	2003[D]	-																			
Air New Zealand (NZ) - Qantas (QF) (Ia)	Within/to/from New Zealand (including equity transactions)	2003*	-	2004[D]	-																			* Appeal to High Court from NZCC's determination

Submission, tentative decision, final decision, and review or termination. -

[A] - Approval with or without conditions, or intention to approve with or without conditions; [D] - Disapproval or intention to disapprove; [#] - Expression of concerns or doubts; and [R] - Resubmission of the agreement for review specific periods after the approval.

Approval conditions. -

a - Prior approval if operating under the common name/brands; b - Filing of any subsequent subsidiary agreements and/or any agreements affecting the alliance; c - Withdrawal from IATA tariff coordination activities on specific routes; d - Restrictions on fare levels and conditions on specific routes (including travel agency remunerations and corporate fare products); e - Exclusion of pricing, inventory, yield management and pooling of revenues on specific fares and on specific routes; f - Surrender and/or releases of slots, ground facilities for other airlines; g - Withdrawal from operations on specific routes; h - Restrictions on frequencies/capacity/slots on specific routes/airports; i - Limitation of codeshare operations with respect to routes and/or frequencies; j - Exclusion of CRS activities as owners or marketers; k - CRS display requirement; l - Requirements related to frequent flyer programmes, interlining and special prorate agreements with new entrants; m - Requirements related to blocked space agreements with new entrants and intermodal agreements with land transport companies; n - Elimination of exclusivity provisions restricting from entering into any arrangements with other airlines; o - Termination of alliance agreement(s) with other airline(s); p - O&D survey data reporting requirement; q - Submission of information on traffic, fares, agreements, slot etc.; and r - Other conditions

Source : U.S. DOT, European Commission, OFT, ACCC, NZCC and aviation press.

(Updated: 10 August 2009)