

COMPETITION LAW GUIDELINES FOR PASSENGER AND CARGO TARIFF, AGENCY AND SERVICE CONFERENCE MEETINGS

Trade association activities of the International Air Transport Association (“IATA”) include passenger and cargo tariff, agency and service conference meetings (“IATA Conferences”). This meeting is being conducted in compliance with the Provisions for the Conduct of the IATA Traffic Conferences. IATA is publishing these Competition Law Guidelines to ensure that these events are conducted in compliance with all applicable competition laws.

Statement of Policy

The purpose of IATA Conferences is to promote the smooth transfer of passengers and cargoes pursuant to interline services, and to operate settlement services that efficiently settle accounts among airlines and their agents and customers. It is IATA’s intent that the conferences 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, taking into account any applicable exemptions or immunities from those competition laws.

Procedural Guidelines

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

1. Conference 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 committees. Informal sessions of delegates to take final action on agenda items are prohibited. All discussions or conversations among conference participants, including during breaks and scheduled or non-scheduled social activities connected with the meetings or committee meetings, must follow these Guidelines.
2. Conference 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 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 conference meetings shall be kept, including indications of a Member airline or a Partnership Program member absenting him/herself from the Meeting for a particular agenda item. Those minutes shall be reviewed by IATA’s competition compliance attorney prior to circulation to attendees.

Prohibited Agreements and Activities

1. Unless attendees of conference meetings are advised to the contrary by competition counsel, 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.

The foregoing applies equally to email discussions, instant messaging and social media discussions whether directed to announced 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.