

## **MEDIA RELEASE**

### 21 March 2025

## CCCS Grants Conditional Approval for the Proposed Commercial Cooperation between Singapore Airlines Limited and All Nippon Airways Co., Ltd.

 The Competition and Consumer Commission of Singapore ("CCCS") has granted conditional approval of the Proposed Commercial Cooperation ("Proposed Cooperation") between Singapore Airlines Limited ("SIA") and All Nippon Airways Co., Ltd. ("ANA") (collectively, the "Applicants") after accepting commitments from the Applicants.

### Background

- 2. On 24 July 2023,<sup>1</sup> CCCS received a joint application for decision from the Applicants as to whether the Proposed Cooperation between SIA and ANA in the provision of scheduled air passenger transport services between Singapore and Japan would infringe section 34 of the Competition Act 2004 (the "**Act**").<sup>2</sup>
- 3. In assessing the Proposed Cooperation, CCCS reviewed information provided by the Applicants as well as third party feedback and identified some competition concerns. In the case of a specific route, namely, Singapore-Tokyo (and vice versa) ("SIN-TYO vv")<sup>3</sup>, the Applicants possess substantial market shares offering direct flights on the SIN-TYO vv routes and have sustained a high combined market share in recent years. According to third party feedback, SIA and ANA are the main competitors on the SIN-TYO vv route. While there is evidence of expansion by an existing competitor in recent years, CCCS assessed that the impact on competition arising from the expansion is not conclusive. Additionally, significant barriers to entry and expansion continue to

<sup>&</sup>lt;sup>1</sup> The Applicants first submitted their joint application for decision on 2 June 2021. The Applicants submitted an updated application, which was accepted as complete by CCCS on 24 July 2023, after market data signalled a degree of market recovery from the COVID-19 pandemic.

<sup>&</sup>lt;sup>2</sup> See CCCS's media release dated 21 June 2021, "CCCS Consults on the Proposed Commercial Cooperation between Singapore Airlines Limited and All Nippon Airways Co., Ltd." here: https://www.cccs.gov.sg/media-and-consultation/newsroom/media-releases/sia-ana-publicconsultation-21-june-21

<sup>&</sup>lt;sup>3</sup> For Singapore to Tokyo (and vice versa), CCCS has considered Singapore to Haneda Airport and Singapore to Narita Airport as substitutes within the same market after considering third party feedback received.

exist, making it difficult for both new and existing competitors to compete effectively with the Applicants.

- 4. The Applicants submitted that the Proposed Cooperation would lead to several benefits, including:
  - i) Improved connectivity for both Singapore and Japan, with consequential benefits to Singapore's aviation industry and tourism;
  - ii) Enhanced air travel product for services between Singapore and Japan resulting in a greater number of itinerary options for travellers;
  - iii) Expanded virtual networks of the airlines, thereby providing more service offerings to passengers;
  - iv) More competitive fares arising from the elimination of double marginalisation and better fare combinability; and
  - v) Significant benefits to corporate account customers and greater reciprocal frequent flyer benefits for members of SIA and ANA.

# **CCCS's Assessment**

5. CCCS's Guidance Note for Airline Alliance Agreements outlines key principles for CCCS's assessment of airline alliances.<sup>4</sup> In assessing the Proposed Cooperation, CCCS reviewed information provided by the Applicants as well as canvassed third-party feedback. CCCS found that the price and capacity coordination between the Applicants arising from the Proposed Cooperation would restrict competition on the SIN-TYO vv route. CCCS has also assessed that the claimed benefits arising from the Proposed Cooperation are insufficient to outweigh the competition concerns on the SIN-TYO vv route such that the net economic benefits exclusion under the Act would apply.

# **Commitments by the Applicants**

6. To address CCCS's competition concerns, the Applicants provided commitments (the "**Proposed Commitments**") pertaining to scheduled air passenger transport services on the SIN-TYO vv route. The Applicants undertake, amongst other things, to:

<sup>&</sup>lt;sup>4</sup> See CCCS's Airlines Guidance Note here: <u>https://www.cccs.gov.sg/public-register-and-</u> <u>consultation/public-consultation-items/public-consultation-on-ccs-draft-guidance-note-for-airline-</u> <u>alliance-agreements?type=public\_register</u>

- a. Maintain seat capacity on an aggregated basis between the Applicants on the SIN-TYO vv route at stipulated levels;
- b. Develop and submit a business plan detailing growth figures the Applicants assess they can feasibly achieve when certain trigger factors are conjunctively met;
- c. Report the flight schedules and individual capacity levels operated by the Applicants' low-cost carriers ("LCCs") on the SIN-TYO vv route to allow CCCS to monitor whether capacity on the SIN-TYO vv route have been shifted from the respective LCCs to the full service carriers; and
- d. Appoint an independent auditor to monitor compliance with the above and submit a report to CCCS on an annual basis.
- 7. For further details on the Proposed Commitments, please refer to Annex A.

## CCCS's Assessment of the Applicants' Commitments

- 8. From 10 to 22 January 2025, CCCS conducted a market testing exercise to assess whether the Proposed Commitments would sufficiently address the competition concerns arising from the Proposed Cooperation. Most stakeholders did not raise any concerns with the Proposed Commitments. Two stakeholders provided suggestions for refinement.
- 9. After evaluating the feedback provided, CCCS considered the Proposed Commitments to be sufficient to mitigate the competition concerns arising from the Proposed Cooperation.

## Conclusion

- 10. CCCS approved the Proposed Cooperation on 21 March 2025, subject to the Applicants' adherence to the Proposed Commitments.
- 11. More information can be accessed from the CCCS website at www.cccs.gov.sg under the section "Public Register".

## About the Competition and Consumer Commission of Singapore

The Competition and Consumer Commission of Singapore ("**CCCS**") is a statutory board of the Ministry of Trade and Industry. CCCS administers and enforces the Competition Act 2004 which empowers CCCS to investigate and adjudicate anticompetitive activities, issue directions to stop or prevent anti-competitive activities and impose financial penalties. CCCS is also the administering agency of the Consumer Protection (Fair Trading) Act 2003 or ("**CPFTA**") which protects consumers against unfair trade practices in Singapore. Our mission is to make markets work well to create opportunities and choices for businesses and consumers in Singapore.

For more information, please visit <u>www.cccs.gov.sg</u>.

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### ANNEX A

<u>Commitments by Singapore Airlines Limited and All Nippon Airways Co., Ltd. to the</u> <u>Competition and Consumer Commission of Singapore</u>