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**Grounds of Decision issued by the Competition and Consumer Commission of Singapore (“CCCS”)**

**Application by Emirates and Qantas Airways Limited for the Variation or Release of Commitments**

**4 October 2024**

**Case number: CCCS 400/006/12**

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Confidential information in the original version of this Decision will be redacted from the published version on the public register. Redacted confidential information in the text of the published version of the Decision is denoted by [X].

## **BACKGROUND**

1. On 28 March 2013, the Competition and Consumer Commission of Singapore (“CCCS”) issued a [conditional clearance decision](#) (the “**2013 Decision**”) for the alliance (“**Alliance**”<sup>1</sup>) between Qantas Airways Limited (“**QF**”) and Emirates (“**EK**”) (the “**Parties**”) after they provided CCCS with a voluntary undertaking to maintain minimum weekly seat capacities for passengers on the Singapore-Brisbane (vice versa) (“**SIN-BNE vv**”) and Singapore-Melbourne (vice versa) (“**SIN-MEL vv**”) routes, and to increase their capacities if certain conditions are triggered (the “**Undertaking**”).<sup>2</sup> Under the Alliance, the Parties coordinate on various aspects of their flight services such as pricing, scheduling, marketing, planning, operating capacity and airport facilities across the Parties’ global networks across routes from Australia to Europe, via Singapore and Dubai.

## **THE PARTIES’ APPLICATION**

2. On 22 March 2024, the Parties submitted an application<sup>3</sup> requesting that CCCS:
  - a. terminate in its entirety the Undertaking, but in such a manner that the 2013 Decision would continue to remain in force; or
  - b. if termination of the Undertaking is not possible, vary the Undertaking such that it would no longer impose any minimum capacity requirements or mandatory growth requirements on the Parties for both the SIN-MEL vv and SIN-BNE vv routes and, instead, only require the Parties to notify CCCS in advance of any future actual operational overlap on any routes between Australia and Singapore; and if considered necessary and upon CCCS’s request, provide further information about whether any new capacity requirements should be introduced to the Undertaking.

(collectively, the “**Application**”)

3. CCCS conducted a public consultation from 8 to 19 August 2024 on the potential release of the Parties’ capacity commitments and did not receive any feedback from third parties expressing concerns.

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<sup>1</sup> “Alliance” refers to the “Proposed Alliance” as defined in the 2013 Decision.

<sup>2</sup> On 22 October 2019, CCCS released EK from its capacity commitments on the SIN-BNE vv route following a request by EK in connection with its withdrawal from the route.

<sup>3</sup> A non-confidential version of the Parties’ request can be found [here](#). EK’s letter dated 20 March 2024; and the Parties’ Application dated 22 March 2024.

## **CCCS'S ASSESSMENT**

4. CCCS has considered the Parties' Application and the further information provided by the Parties<sup>4</sup>, and noted the following:
  - a. The withdrawal of EK from both SIN-MEL vv and SIN-BNE vv routes will effectively remove any operational overlap between the Parties between Singapore and Australia.
  - b. The Parties' market position has weakened since the 2013 Decision. The Parties' combined market share on both SIN-MEL vv and SIN-BNE vv routes have decreased significantly since 2013 and the Parties are no longer the market leaders. There has been significant expansion by a competitor, Singapore Airlines on both routes, while a recent entry by Turkish Airlines will increase competition on the SIN-MEL vv route.

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## **CCCS'S DECISION ON THE PARTIES' APPLICATION**

5. CCCS has assessed that there has been a material change in circumstances since the issuance of the 2013 Decision, and that the Undertaking, which was intended to address competition concerns arising from the Alliance in the context of CCCS's assessment in the 2013 Decision, is no longer necessary.
6. CCCS hereby releases the Parties from the Undertaking from 4 October 2024. Accordingly, the immunity accorded by the 2013 Decision to the Alliance pursuant to section 46(3) of the Competition Act 2004 shall be removed from 4 October 2024.



Alvin Koh  
Chief Executive  
Competition and Consumer Commission of Singapore

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<sup>4</sup> QF's submissions dated 10 April 2024, 15 April 2024, 16 April 2024, 17 April 2024, 24 April 2024, 7 May 2024, 22 May 2024; EK's submissions dated 17 April 2024, 24 April 2024 and 7 June 2024.