

On 8 April 2009, the Commission decided to initiate two formal antitrust proceedings in case 39.595 – AC/CO/LH/UA and case 39.596 – BA/AA/IB within the meaning of Article 11(6) of Council Regulation No 1/2003 and Article 2(1) of Commission Regulation No 773/2004.

The proceedings were opened with a view to adopting a decision in application of Chapter III of Council Regulation No 1/2003. These proceedings relate to two sets of proposed agreements between Air Canada, Continental Airlines, Inc., Deutsche Lufthansa AG ('Lufthansa') and United Air Lines, Inc. ('United') (case 39.595) and between British Airways Plc, American Airlines, Inc. and Iberia Líneas Aéreas de España, S.A. (case 39.596), which provide for coordination of these airlines' pricing, capacity and schedules, as well as revenue sharing, on all transatlantic routes between Europe and North America. The scope of the investigation in case 39.595 covers also the existing transatlantic cooperation between Lufthansa and United and between Lufthansa and Air Canada. The joint practices, which constitute possible infringements of Article 81 of the EC Treaty and Article 53 of the EEA Agreement, are, or are planned to be, engaged in by the above-mentioned airlines, their subsidiaries and all companies under their control.

The initiation of proceedings does not imply that the Commission has proof of an infringement – it only signifies that the Commission is dealing with the cases as a matter of priority.