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October 05, 2009


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O'Melveny Washington, DC partner Ben Bradshaw and associate Bimal Patel published an article in the September 2009 volume of Competition Policy International (a publication of Global Competition Policy) entitled, "Final Descent? The Future of Antitrust Immunity in International Aviation." The article details the very controversial debate between the Department of Justice and the Department of Transportation, as to whether the recently concluded expansion of Star Alliance to include Continental Airlines should have been given immunity from the antitrust laws, so that airlines within the alliance could coordinate on pricing and scheduling decisions. The article then offers perspective on antitrust immunity in international aviation; generally noting that immunity still has an important role in continuing liberalization of international aviation markets, but should be granted with great care due to potential anticompetitive harm that can arise from coordination.

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