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### Abstract

## Platform Annexation and Multi Homing in Air Transport – Some Emerging Perspectives

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Laws and regulations applicable to commercial air transport are based on the principle of equality of opportunity for carriers to compete when offering air transport services. As such, anti competitive practices of air carriers abusing their dominant position to gain a market advantage over their competitors and in turn distorting the market are justiciable at competition law. One of such anti competitive practices could occur when a carrier controls the tools, products, and services of another carrier by annexing the latter's platform of computer reservation display systems, which would thereby effectively preclude the consumer from multi homing and his ability to access all platforms offered by different carriers on an international route. The International Civil Aviation Organization has, since 1996 addressed policy pertaining to computer reservation systems (CRS) and the prevention of anti-competitive activities. The Council of ICAO adopted in 1996 a revised Code of Conduct for the Regulation and Operation of Computer Reservation Systems. This Code – which revised an earlier edition from 1991 - has five fundamental principles where States should: take into account developments in national and regional regulations as well as technological and commercial developments since the adoption of the previous Code in 1991; reflect transparency, accessibility and non-discriminatory application; include elements which give particular attention to booking data and display criteria; maintain particular focus on the participation of developed countries, and address the retention of Article 10 of the Code on safeguarding the interests of developing countries; and seek compatibility with the General Agreement on Trade in Services (GATS) Annex of the World Trade Organization which also covers CRS. However, no distinct link has been established between abuse of dominant position by CRS systems and platform annexation.

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This article examines and addresses the principles of platform annexation and multi homing using analogies as well as legal and regulatory principles and inquires how platform annexing and multi homing are relevant to air transport.

Keywords: airline computer reservation systems, antitrust, competition, GATS, Multi homing, Platform annexation