

**Decision no. 2025-PAC-02 of 30 July 2025  
on practices implemented in the passenger air transport sector and the travel  
agency services sector in New Caledonia**

**Only the French version is authentic and it prevails in the event of its  
differing from the translated version**

## **Summary<sup>1</sup>**

Through this decision, the *Autorité de la concurrence de la Nouvelle-Calédonie* (hereinafter "the *Autorité*") accepts the commitments offered by Air Calédonie International (ACI) and closes both the interim measures proceedings and the proceedings initiated before it in December 2024 by the travel agencies' trade union, which had alleged the existence of practices implemented in the passenger air transport sector and the travel agency services sector in New Caledonia.

While examining the request for interim measures, the investigation service identified several competition concerns, in particular related to **the unilateral modification by ACI of the remuneration system applicable to travel agencies**. Whereas a fixed commission rate of 5% had previously been applied, **ACI announced its removal as of 1 January 2025, to be replaced by a remuneration mechanism capped at 3% and conditional upon the achievement of individualised commercial targets**. This scheme was based on a set of bonuses designed to incentivise travel agencies to prioritise the sale of ACI tickets to the detriment of its competitors, thereby **constituting loyalty rebates strengthening ACI's market power and creating a foreclosure effect vis-à-vis other airlines**.

Furthermore, the investigation revealed **a risk of abuse of a dominant position linked to the termination of established commercial relationships**, as travel agencies had been informed of the removal of the fixed commission only by a letter dated 19 November 2024, that is, merely one month and ten days before the entry into force of the new scheme. This notice period was manifestly insufficient, in particular in view of the length of the commercial relationships, the economic dependence of the agencies on ACI, and the significance of the business volumes concerned.

The investigation service also identified **a risk of discrimination to the detriment of independent travel agencies** arising from ACI's vertically integrated position, as it operates its own travel agency. In the absence of analytical accounting, ACI lacks the information required to determine accurately the actual operating costs of its agency, thereby creating **a risk of predatory pricing capable of excluding competing agencies**.

On 13 March 2025, a preliminary assessment was sent to ACI, on the basis of which the airline proposed several commitments intended to address these concerns, pursuant to Article Lp. 464-2, I of the Commercial Code.

ACI first undertakes to comply with **a notice period of 18 months** prior to any modification of its remuneration system applicable to travel agencies. This period, running from 19 November 2024,

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<sup>1</sup> This summary is strictly for information purposes. Only the numbered reasons of the decision are authentic.

entails that the previous conditions, in particular the fixed commission of 5%, will remain applicable until 19 May 2026. As of that date, a **single and standardised agreement, concluded with all agencies, will enter into force until 31 December 2028**. It will be based on a remuneration system combining a fixed component of 3.5% and a variable component subject to two strict conditions: the prohibition of any retroactive bonuses and the exclusion of any exclusivity mechanism. Any subsequent amendment to the agreement will be subject to the *Autorité*'s prior approval.

**ACI also undertakes to treat all agencies fairly**, both as regards remuneration conditions and access to commercial offers. This non-discrimination obligation applies in particular to ACI's in-house travel agency, which may not benefit from any preferential treatment. Finally, **ACI undertakes to strictly separate its air transport activities from its travel agency activities by establishing separate analytical accounting**. This new model must be approved by the *Autorité* by 31 December 2025 for effective implementation no later than 1 April 2026.

An independent trustee will be appointed to monitor compliance with these commitments.

In its decision, the *Autorité* considers that ACI's commitments adequately address the competition concerns identified and are substantial, credible and verifiable.