

IN THE MATTER OF an application by the Director of Investigation and Research under subsection 64(1) of the *Competition Act*, R.S.C. 1970, c. C-23, as amended;

AND IN THE MATTER OF a Limited Partnership formed to combine the operations of the Resvec and Pegasus computer reservation systems;

AND IN THE MATTER OF The Gemini Group Automated Distribution Systems Inc.;

AND IN THE MATTER OF an application by the Director of Investigation and Research under section 106 of the *Competition Act*, R.S.C., 1985, c. C-34, as amended, to vary the Consent Order of the Tribunal dated July 7, 1989;

AND IN THE MATTER OF an application by PWA Corporation and Canadian Airlines International Ltd. under paragraph 106(b) of the *Competition Act*, R.S.C. 1985, c. C-34, as amended, to vary the Order Varying Consent Order Dated July 7, 1989, issued by the Tribunal on November 24, 1993.

B E T W E E N :

The Director of Investigation and Research

Applicant

- and -

Air Canada
PWA Corporation
Canadian Airlines International Ltd.
The Gemini Group Limited Partnership
The Gemini Group Automated Distribution Systems Inc.
Covia Canada Corp.
Covia Canada Partnership Corp.

Respondents

- and -

Consumers' Association of Canada
American Airlines, Inc.
Attorney General of Manitoba
Alliance of Canadian Travel Associations
Bios Computing Corporation
IBM Canada Ltd.
VIA Rail Canada Inc.
Unisys Canada Inc.
Council of Canadian Airlines Employees
Attorney General of Alberta

Intervenors

ORDER VARYING ORDER ISSUED NOVEMBER 24, 1993

Decided on the basis of the written record.

Presiding Member:

The Honourable Mr. Justice William P. McKeown

Lay Members:

Dr. Frank Roseman
Mr. Victor L. Clarke

COMPETITION TRIBUNAL

ORDER VARYING ORDER ISSUED NOVEMBER 24, 1993

The Director of Investigation and Research

v.

Air Canada et al.

FURTHER TO the Order Varying Consent Order Dated July 7, 1989, issued on November 24, 1993;

AND FURTHER TO paragraph 106(b) of the *Competition Act* ("Act") and the notice of application filed by PWA Corporation ("PWA") and Canadian Airlines International Ltd. ("Canadian");

AND WITH the consent of all parties;

THE TRIBUNAL ORDERS THAT:

1. Pursuant to section 49 of the *Competition Tribunal Rules* ("Rules"), the rules governing the application for an order shall not apply to this application by PWA and Canadian under paragraph 106(b) of the Act for a variation on consent.

2. Pursuant to section 69 of the Rules, this application shall be disposed of without personal appearance of the parties and intervenors.

3. The Order Varying Consent Order Dated July 7, 1989, issued on November 24, 1993, shall be amended by adding the following paragraph 13:

13. Air Canada shall be directly responsible for completion of the transfer to Canadian or as Canadian may direct of all the services, supports and benefits to which Canadian is entitled under the provisions of the Hosting Contract and of the Canadian Data Base, including all steps and matters necessary or incidental thereto to allow the hosting of Canadian to operate in live production use after the transfer, on a basis equal to the current responsibility of the General Partner and of the Partnership hereunder but without deleting or lessening the current responsibility of the General Partner or the Partnership hereunder.

DATED at Ottawa, this 3rd day of November, 1994.

SIGNED on behalf of the Tribunal by the presiding judicial member.

(s) W.P. McKeown

W.P. McKeown