



Our ref: PRJ1006833

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13 October 2023

David Johnson
Head of Grains & Oilseeds – Australia
Louis Dreyfus Company

Re: Acquisition of Emerald Grain by Louis Dreyfus Company – Wheat Port Code exemption

Dear Mr Johnson

Thank you for your letter dated 16 August 2023 regarding Louis Dreyfus Company Asia Pte. Ltd's acquisition of Emerald Grain Pty Ltd (including Emerald Logistics Pty Ltd).

On 25 June 2015 the ACCC determined under subclause 5(2) of the Port Terminal Access (Bulk Wheat) Code of Conduct (Code), Emerald Logistics Pty Ltd (Emerald Logistics) to be an exempt service provider of port terminal services provided by means of its port terminal facility at the Port of Melbourne.

Your letter confirms that Emerald Logistics has been renamed as Louis Dreyfus Company Grains Logistics Australia Pty Ltd (LDC Logistics). The Australian Securities & Investment Commission website confirms that this is a change of business name only and that the relevant company number, ACN 087 280 260, remains the same.

The ACCC considers that the name and ownership changes do not, by themselves, affect the exemption granted to this entity. Therefore, LDC Logistics is an exempt service provider in relation its port terminal facility at the Port of Melbourne for the purposes of subclause 5(2) of the Code.

LDC Logistics' obligations under the Code

LDC Logistics as an exempt service provider is required to comply with the obligations in Part 2 of the Code. Specifically:

- clause 6 requires that a *"port terminal service provider and an exporter must at all times deal with each other in good faith"*;
- subclause 7(1) requires a PTSP to publish a port loading statement, and subclause 7(2) sets out the information required in the port loading statement;
- subclause 7(3) contains a reporting obligation requiring that *"the port terminal service provider must provide the ACCC with the most current port loading statement for each business day"*, and subclause 7(4) requires it *"to be provided to the ACCC in the form and manner required by the ACCC"*;
- subclause 8(1) requires that a PTSP must publish on its website a statement setting out its *"policies and procedures for managing demand for the provider's port terminal services at each port terminal facility that the provider owns or operates"*; and

- subclause 8(2) requires that *“the statement must include the port terminal service provider’s policies and procedures relating to the nomination and acceptance of ships to be loaded using those port terminal services”*.

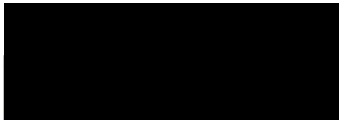
Further information about the Code can be found on the [Wheat Port Code of Conduct](#) page on the ACCC website.

Next steps

The ACCC website will be updated to reflect Louis Dreyfus Company Asia Pte. Ltd’s acquisition of Emerald Grain Australia Pty Ltd and the subsequent name change of Emerald Logistics to LDC Logistics. It will also confirm the ACCC’s view that LDC Logistics is an exempt service provider in relation to its port terminal facility at the Port of Melbourne. In the interests of transparency we will also publish on our website your 16 August 2023 letter and our reply (this letter).

Thank you for your engagement with the ACCC to date. If you have any questions arising from this letter, please contact Katie Young at (03) 9290 6980 or katie.young@acc.gov.au.

Yours sincerely



Matthew Schroder

General Manager
Infrastructure & Transport Branch, Infrastructure Division