



23 Marcus Clarke Street
Canberra ACT 2601

tel: (02) 6243 1111
adjudication@acc.gov.au
www.acc.gov.au

Our ref: AA1000409
Contact officer: Kaitlin Hanrahan
Contact phone: 03 9290 1917

27/04/2018

By email

Dear Sir/Madam

Tyre Stewardship Australia application for authorisation AA1000409 – draft determination

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by Tyre Stewardship Australia (**TSA**) on 5 December 2018.

Please see the ACCC's publication [Authorisation process - the basics](#) for a summary of the authorisation process and how to make a submission to the ACCC.

TSA is seeking authorisation for itself and on behalf of current and future members of the Tyre Product Stewardship Scheme (the **Scheme**) to allow for continuation of the Scheme. TSA administers the Scheme in accordance with the *Guidelines for the Tyre Product Stewardship Scheme, 3 May 2018* (the Revised Guidelines), and is seeking authorisation for specific provisions within the Revised Guidelines.

Draft determination

A copy of the ACCC's draft determination and summary of its reasons is attached.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for six years.

Interim authorisation

As you may be aware, authorisations A91336-A91337, which currently provide protection for the Scheme's operation, expire on 3 May 2018.

The ACCC has decided to grant interim authorisation for TSA to continue to operate the Scheme on the same terms as authorised by the ACCC in 2013 (under A91336-A91337). Interim authorisation commences immediately, and allows TSA to continue to operate the Scheme (as authorised in 2013) while the ACCC finalises its assessment of the revised Scheme under TSA's current application for authorisation AA1000409.

The ACCC's reasons for its interim authorisation decision are contained in the draft determination.

Next steps

Once the ACCC issues a draft determination, the Applicant or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

If you wish to make a submission in response to the ACCC's draft determination, the deadline to lodge your submission is **11 May 2018**. Submissions should be emailed to adjudication@acc.gov.au with the subject "AA1000409 – Tyre Stewardship Australia – submission".

A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination you must notify the ACCC in writing by **11 May 2018**.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, and will then release a final determination in relation to these applications.

Submissions will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

Timetable

The ACCC will continue to progress its assessment of the application in a timely manner. An updated indicative timetable is set out below for your information.

Indicative date	Stage in assessment process
5 December 2017	Lodgement of application and supporting submission.
13 December 2017	Public consultation process begins.
27 April 2018	Draft determination and ACCC decision regarding interim authorisation.
May 2018	Public consultation on draft determination including any conference if called.
May/June 2018	Final determination.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter please do not hesitate to contact Kaitlin Hanrahan on 03 9290 1917 or adjudication@acc.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'J Martin', with a long horizontal flourish extending to the right.

Jaime Martin
A/g Director
Adjudication Branch