



23 Marcus Clarke Street  
Canberra ACT 2601

GPO Box 3131  
Canberra ACT 2601

tel: (02) 6243 1111  
[exemptions@acc.gov.au](mailto:exemptions@acc.gov.au)

[www.accc.gov.au](http://www.accc.gov.au)

Our ref: AA1000622  
Contact officer: Ben Janover  
Contact phone: 03 9290 1813

11 September 2023

By email

Dear Interested Party

### **Brenntag Australia Pty Ltd - application for revocation of authorisation AA1000598 and substitution of authorisation AA1000622—draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by Brenntag Australia Pty Ltd on 21 October 2022.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation with conditions, for 4 years to the DEF Supplier Working Group to engage in discussions during Authorised Meetings, and make contracts, arrangements or understandings during Authorised Meetings. This collaboration would have to be undertaken for one of the specific, listed purposes: securing adequate supplies of technical grade urea, promoting adequate production of DEF for the Australian market, ensuring security of supply of technical grade urea and DEF for Australian businesses and consumers, or prioritising access to technical grade urea and DEF as directed by the Australian Government.

A copy of the ACCC's draft determination is attached and also available on the ACCC's [authorisations public register](#).

#### **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'.

#### **Making a submission**

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **25 September 2023**.

Submissions should be lodged via the web form accessible on the public register page for this matter. Alternatively, if you would like to provide comments orally, please contact Ben Janover via the details at the end of this letter.

The ACCC will consider any submissions it receives, including any oral submissions made at a pre-decision conference (should one be called - see below), and will then release a final determination in relation to this application.

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](#).

## Optional pre-decision conference

In some cases the applicant or an interested party requests that the ACCC convene a pre-decision conference in relation to its draft determination. If a conference is called it will be open to the applicant and interested parties to attend and 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 **25 September 2023** by email to [exemptions@acc.gov.au](mailto:exemptions@acc.gov.au).


## 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.

<b>Indicative date</b>	<b>Stage in assessment process</b>
<b>21 October 2022</b>	Lodgement of application and supporting submission.
<b>27 October 2022</b>	Public consultation process begins.
<b>24 November 2022</b>	Interim Authorisation Decision with conditions.
<b>11 September 2023</b>	Draft determination.
<b>11 – 25 September 2023</b>	Public consultation on draft determination including any conference if called.
<b>October/November 2023</b>	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 Ben Janover on 03 9290 1813.

Yours sincerely



Naomi Menon  
Director  
Competition Exemptions