



Our ref: AA1000673
Contact officer: Hannah Craig
Contact phone: (03) 9977 1875

Land of the Ngunnawal people
23 Marcus Clarke Street
Canberra ACT 2601
GPO Box 3131
Canberra ACT 2601
Tel 02 6243 1111
exemptions@acc.gov.au
www.accc.gov.au

26 August 2024

Rosannah Healy
Partner
Allens

By email

Dear Ms Healy

Re: Application by Coles Group Limited on behalf of itself and participating supermarkets for revocation of authorisation AA1000627 and substitution of AA1000673 – request for information

I refer to the above application for revocation and substitution lodged with the Australian Competition and Consumer Commission (**ACCC**) on 24 June 2024 by Coles Group Limited (**Coles**) on behalf of itself and other participating supermarkets.

Request for Information

To assist the ACCC's consideration of Coles' substantive application for authorisation, we request that you provide further information as set out in Attachment A to this letter by **9 September 2024**.

Please note that this letter, including Attachment A, and your response will be placed on the ACCC's [public register](#), subject to any exclusion request received, which will be assessed by the ACCC in accordance with the [Guidelines for excluding confidential information from the public register](#) and having regard to the ACCC's public process in assessing applications for authorisation. The ACCC considers that any exclusion request relating to the responses to the questions in Attachment A must be accompanied by compelling reasons for the ACCC to approve the exclusion request.

If you wish to discuss any aspect of this matter, please do not hesitate to contact Hannah Craig on (03) 9977 1875 or exemptions@acc.gov.au.

Yours sincerely

[signed]

Naomi Menon
Director
Competition Exemptions

Attachment A

Coles Group Limited application for revocation of authorisation AA1000627 and substitution of AA1000673- ACCC request for information

26 August 2024

Stockpile Information

1. Paragraph 1.1 of the application states that the Participants have relocated approximately 11,000 tonnes of soft plastics to secure facilities in New South Wales, Victoria, South Australia, Western Australia and Tasmania since authorisation AA1000627 was granted on 30 June 2023. With regard to the stockpile please provide the following:
 - a. the starting volumes of stockpiled soft plastics in each State which were present when the Participants took control of the stockpiles in those States
 - b. the current volumes remaining in each State
 - c. the current recycling processors and the processing capacity by volume per calendar month in each State.
2. To the extent not captured above, we note that the progress report dated 22 July 2024 specifies that processing of the stockpile in South Australia has not yet commenced. Please advise when processing is expected to commence in South Australia, expected processing capacity available and expected completion date.
3. Noting that the Participants state that processing of the Western Australian stockpile is dependent upon progress in Victoria and South Australia, please detail the steps that the Participants intend to take to ensure that the Western Australian stockpile will be processed by 31 July 2025, if authorisation is granted until then.

Scope of the Proposed Conduct

4. The Proposed Conduct including the Recommencement Steps, as defined at paragraph 5.2 of the application for authorisation, is substantially the same as the conduct authorised by the ACCC in authorisation AA1000627 on 30 June 2023. The Participants sought authorisation at that time to manage the immediate effects of the collapse of REDcycle's instore soft plastics collection program. Given over 12 months has passed since authorisation AA1000627 was granted and the Participants have stated that authorisation has been sought until 31 July 2025 to allow additional time for the stockpile to be processed and continuation of the instore collection pilot program until the anticipated broader stewardship scheme comes into effect, please consider whether the Proposed Conduct and Instore Recommencement Steps can be narrowed to more accurately reflect the current circumstances and conduct for the period sought.
5. If the Participants consider that each element of the Proposed Conduct including the Instore Collection Recommencement Steps is necessary to facilitate the continuation of the stockpile processing and the instore collection pilot, please provide the rationale behind each of the Instore Collection Recommencement Steps as it relates to the current circumstances.

NSW EPA

6. Please provide a copy of the Removal Plan provided to the New South Wales EPA on 26 April 2024, as referred to in Variation of Notice of Clean-up Action number 3508936 dated 10 May 2024 or any subsequent version of that document if it has been superseded.
7. We note that the Variation of Notice of Clean-up action number 3508936 issued by the New South Wales EPA on 10 May 2024 requires monthly updates on Coles' and Woolworths compliance with the Removal Plan to be provided on the first Monday of each month commencing 10 June 2024. Please provide a copy of the updates provided to the New South Wales EPA in this regard.