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17 April 2020

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Dear Interested Party

## **The Medical Technology Association of Australia Limited's application for authorisation AA1000479—interim authorisation decision and interested party consultation**

On 14 April 2020, the Australian Competition and Consumer Commission (the **ACCC**) received an application for authorisation from the Medical Technology Association of Australia Limited (**MTAA**) (**the application**). The application is an amended form of an application previously submitted by the MTAA on 24 March 2020.

### **The application for authorisation**

The application was lodged on behalf of the MTAA, its members and other relevant businesses in the medical technology industry (together, **the Applicants**), to enable them to implement a coordinated strategy in relation to the supply of medical equipment and supplies in response to the COVID-19 pandemic. The Applicants seek authorisation to make and give effect to arrangements, and to exchange information for the purpose of facilitating the supply of, and access to, medical technology and supplies, including ICU ventilators, COVID-19 testing kits and personal protective equipment (**the Proposed Conduct**).

The Applicants have sought interim authorisation for the Proposed Conduct, as well as authorisation for a period of 12 months from the date of the ACCC's final determination on the application.

The ACCC initially granted interim authorisation to the Applicants on 25 March 2020. The MTAA subsequently amended its earlier application to expand the information sharing and coordination amongst the Applicants. Broadly, the amendments have the effect of adding information sharing on demand and freight issues, and adding coordination of procurement of inputs and manufacturing of medical equipment and consumables.

A copy of the application for authorisation, which shows amendments to the previous application submitted by MTAA on 24 March 2020, is available on the [ACCC's Public Register](#).

### **Interim authorisation**

On 17 April 2020, the ACCC granted conditional interim authorisation for the Proposed Conduct. At the same time, the ACCC revoked the interim authorisation granted on 25 March 2020.

The interim authorisation is subject to conditions, including that the MTAA must provide regular updates to the ACCC regarding any material developments and decisions in relation to the Proposed Conduct, and must give notice to the ACCC if it is proposed that the Applicants will engage in certain elements of the Proposed Conduct.

A copy of the ACCC's 17 April interim authorisation decision, which contains more detail on the Proposed Conduct and on the conditions, is also available on the [ACCC's Public Register](#).

## Submissions

The ACCC is now conducting a public consultation process on the Proposed Conduct authorised in its interim authorisation decision, and on the substantive application for final authorisation, and invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the Proposed Conduct.

We recognise that the COVID-19 situation may be causing disruptions to your normal operations. For this reason we are taking a flexible approach to receiving feedback on the Proposed Conduct. We will accept written submissions at any time up until **8 May 2020**, however you may wish to contact us by phone to discuss your views before this deadline.

If you wish to provide a submission please do so by email to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) with the subject 'MTAA – AA1000479. Alternatively, if you would like to provide comments orally, please contact Ellie Dwyer on 03 9290 1874 to organise a suitable time.

Submissions, including a record of oral submissions, will be placed on the [ACCC's public register](#) subject to any request for exclusion (see the [ACCC guidelines](#) for more information).

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application at the draft and final determination stages. If you are able to please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

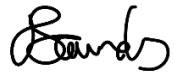
## Timetable

An indicative timetable is below. This timetable is subject to change. The most up to date indicative timetable is available on the [ACCC's public register](#).

<b>24 March 2020</b>	Lodgement of application, including request for interim authorisation
<b>25 March 2020</b>	ACCC decision on interim authorisation
<b>14 April 2020</b>	MTAA submitted amended application, including request for interim authorisation
<b>17 April 2020</b>	ACCC revoked interim authorisation granted on 25 March 2020 and substituted with conditional interim authorisation
<b>17 April 2020</b>	Consultation on the application and interim authorisation commences
<b>8 May 2020</b>	Closing date for submissions
<b>29 May 2020</b>	Applicant responds to issues raised in the public consultation process
<b>June/July 2020</b>	ACCC draft determination
<b>July/August 2020</b>	Public consultation on draft determination including any conference if called

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 Ellie Dwyer on 03 9290 1874 or by email at [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Saunders', written in a cursive style.

Joe Saunders  
Director  
Adjudication