



Our ref: AA AA1000622
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27/10/2022

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Dear Sir/Madam

Brenntag Australia's application for revocation of authorisation AA1000598 and substitution of authorisation AA1000622 – Interested party consultation

On 21 October 2022, the Australian Competition and Consumer Commission (the **ACCC**) received an application for revocation of authorisation AA1000598 and substitution of an authorisation (**re-authorisation**) from Brenntag Australia Pty Ltd (**Brenntag**). The application relates to the existing authorisation for the supply of diesel exhaust fluid (also known as **AdBlue**). This letter is to invite you to comment. You are welcome to pass this letter on to others who may wish to make submissions.

Brenntag, on behalf of itself, other AdBlue manufacturers and other industry participants (together, the **Parties**) is seeking re-authorisation¹ under the *Competition and Consumer Act 2010* (Cth). Re-authorisation would give the parties legal protection from competition laws to continue to discuss, make and give effect to arrangements to obtain supply of refined urea and prioritise distribution of refined urea and AdBlue should shortages emerge. Refined urea is a key ingredient in AdBlue.

Brenntag is seeking re-authorisation for four years. A full copy of the application for authorisation is available on the ACCC's [authorisations public register](#).

Interim authorisation

Brenntag has also requested urgent interim authorisation to allow the Parties to continue to engage in the Proposed Conduct currently authorised in AA1000598 while the ACCC considers the substantive application for re-authorisation.

The existing authorisation, AA1000598, is in force until 1 December 2022.

Making a submission

The ACCC invites you to make a submission on the application for interim authorisation and the substantive re-authorisation. In making your submission, please provide information, evidence and views about the likely public benefits, effects on competition and any other public detriment that you consider will result from the proposed conduct.

If you intend to provide a **submission on the request for interim authorisation**, please do so by **4 November 2022**. Extensions are not normally granted for submissions on urgent interim authorisation.

If you wish to make a **submission on the application for re-authorisation**, please do so by **11 November 2022**. If you wish to request an extension, please contact us on the details

¹ For information about Authorisations, please see <https://www.accc.gov.au/business/exemptions/authorisation>

below as early as possible. Submissions after the due date (or after any extension granted) may not be taken into account.

Please email your submission to exemptions@acc.gov.au, with the subject 'AA1000622 – AdBlue – submission'. Alternatively, if you would like to provide comments orally, please contact Simon Bell via the details at the end of this letter to arrange a suitable time.

Your submission **will** be placed on the ACCC's [authorisations public register on the internet](#) unless you have made a request (with reasons) for us to exclude part or all of the submission from the public register. (see [Guidelines for Excluding Information from the Public Register for more information on how to make a request and how we assess requests](#)).

Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information, and an up-to-date version (including any changes) will be posted on the public register.

Indicative date	Stage in assessment process
21 October 2022	Lodgement of application.
27 October 2022	Public consultation process begins.
4 November 2022	Closing date for submissions from interested parties on the request for interim authorisation.
11 November 2022	Closing date for submissions from interested parties on the application for substantive re-authorisation.
18 November 2022	Applicant responds to issues raised in the public consultation process.
Late November 2022	ACCC decision regarding interim authorisation.
January/February 2023	ACCC draft determination on the substantive application for re-authorisation.
February 2023	Public consultation on the draft determination including any conference if called.
March 2023	Final determination.

This letter has been placed on the ACCC's public register. If you have any questions or wish to discuss any aspect of this matter, please do not hesitate to contact Simon Bell at simon.bell@acc.gov.au or on 02 6243 1232 or contact exemptions@acc.gov.au.

Yours sincerely



David Wang
Acting Director
Competition Exemptions

Interested Party List

Brenntag Australia Pty Ltd

Airbridge Pty Ltd

Ampol Limited

Australasian Convenience and Petroleum Marketers Association (ACAPMA)

Australia Wide Urea Supplies Pty Ltd

Australian Bus Industry Confederation

Australian Food & Grocery Council

Australian Logistics Council

Australian Retailers Association

Australian Trucking Association

Bayside Coaches

BGI DEF Pty Ltd (Blue Gold Industries)

BioBlue

Bluenox Pty Ltd

BP Australia Pty Ltd

Bus Association Victoria

Bus Association Victoria

Bus Industry Council

Castrol Pty Ltd

Chemistry Australia

Cleanaway

Cummins Incorporated

Daimler Truck

Department of Foreign Affairs and Trade

Department of Home Affairs

Department of Infrastructure, Transport, Regional Development and Communications

Department of Innovation, Industry, Science and Research

DGL AUSBlue Pty Ltd

DPG Australia & Euroblue Queensland

Freedom Fuels

Global Chemical (ANZ) Pty Ltd
Glen Cameron Group
Grain Producers Australia
Green Emissions Australia Pty Ltd
Greyhound Australia Pty Ltd
Heavy Vehicle Industry Australia
Incitec Pivot Limited and Incitec Pivot Fertilizers Pty Limited
IOR Pty Ltd
Kinetic Holding Company Pty Ltd
Linfox Logistics
Mammoth Pty Ltd (EcoBlue)
Marchem
Moonee Valley Bus Lines
Murray's Transport
National Farmers Federation
National Heavy Vehicle Regulator
NatRoads
Office of Supply Chain Resilience (Department of Prime Minister & Cabinet)
PACCAR Australia
RCI BiT
RoBoat Bus Company P/L
Ron Finemore Transport Pty Ltd
Simon National Carriers
Spectrum Analytical Pty Ltd
Suhara Logistics Australia Pty Ltd
Surf City Coaches Pty Ltd T/A Premier QLD
Toll Global Express
Toll Holdings Limited
Tractor & Machinery Association of Australia
Transdev Australasia
Transit Systems Pty Ltd

Transport Canberra and City Services Directorate

Treasury

Truck Industry Council

United Petroleum

Ventura Transit Pty Ltd

Viva Energy Australia Pty Ltd

Volvo

Waste Management and Resource Recovery Association of Australia

Yara Australia Pty Ltd