



23 Marcus Clarke Street
Canberra ACT 2601

Our ref: AA1000534
Contact officer: Hannah Ransom
Contact phone: (02) 6243 1255

GPO Box 3131
Canberra ACT 2601
tel: (02) 6243 1111

30/10/2020

exemptions@acc.gov.au
www.acc.gov.au

By email

Dear Sir or Madam

Infant Nutrition Council application for revocation of authorisations A91506 and A91507 and substitution of new authorisation AA1000534—interested party consultation

The Australian Competition and Consumer Commission (the ACCC) is currently conducting a consultation process on an application for re-authorisation (application for revocation and substitution) received from the Infant Nutrition Council (INC) on 26 October 2020.

The purpose of this letter is to invite you, as a potentially interested party, to comment on the application. Please see the ACCC's publication [Guidelines for authorisation of conduct](#) for a summary of the authorisation process and how to make a submission to the ACCC.

Application for 're-authorisation'

The INC is seeking re-authorisation for 10 years for current and future manufacturers in, and importers into, Australia of infant formula to make and give effect to the Marketing in Australia of Infant Formula: Manufacturers and Importers Agreement (MAIF Agreement). The MAIF Agreement is a voluntary self-regulatory code of conduct which governs the marketing of infant formula for infants up to 12 months. It constitutes Australia's official application of the World Health Organization's International Code of Marketing of Breast Milk Substitutes.

A full copy of the application for authorisation is available on the ACCC's website www.acc.gov.au/AuthorisationsRegister.

The ACCC previously granted authorisation to the INC for the MAIF Agreement and associated guidelines until 8 August 2021.

Request for submissions

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements.

Further, the ACCC invites you to outline your general experience of the operation of the MAIF Agreement since 2016. The ACCC also welcomes your views on the public benefits and detriments you consider have actually resulted from the MAIF Agreement during the previous authorisation period.

If you intend to provide a submission in relation to the INC's application for authorisation, please do so by **20 November 2020**. Submissions should be emailed to

exemptions@acc.gov.au with the subject AA1000534 – Infant Nutrition Council – submission’.

Submissions will be placed on the ACCC’s public register subject to any request for exclusion (guidelines are attached).

Timetable

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

26 October 2020	Lodgement of application and supporting submission.
30 October 2020	Public consultation process begins.
20 November 2020	Closing date for submissions from interested parties.
November/December	Applicant responds to issues raised in the public consultation process.
January/February 2021	Draft determination.
February/March 2021	Public consultation on draft determination including any conference if called.
March/April 2021	Final determination.

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.

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 Hannah Ransom on (02) 6243 1255 or by email at exemptions@acc.gov.au.

Yours sincerely



David Hatfield
Director
Competition Exemptions Branch

List of parties consulted

Australian Breastfeeding Association
Australian College of Midwives
Australian College of Nursing
Australian Food and Grocery Council
Australian Medical Association
Australian Nursing and Midwifery Federation
Child and Family Health Nurses Association
Consumer Health Forum of Australia
Department of Health
Dieticians Association of Australia
Early Childhood Australia
International Board of Lactation Consultant Examiners
International Code Documentation Centre
La Leche League New Zealand
Lactation Consultants of Australia and New Zealand
Libby Salmon (ANU)
Master Grocers Association
National Health and Medical Research Council
Pharmaceutical Society of Australia
Public Health Association of Australia
Royal Australasian College of Physicians