



23 Marcus Clarke Street
Canberra ACT 2601

Our ref: AA1000598
Contact officer: Gemma Smith
Contact phone: 03 9290 1405

GPO Box 3131
Canberra ACT 2601

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

10/03/2022

www.accc.gov.au

By email

Dear Interested Party

Brenntag Australia - application for authorisation AA1000598 — 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 on 21 December 2021. Authorisation is sought to enable diesel exhaust fluid (also known as AdBlue) manufacturers and other industry participants to collaborate, in conjunction with the Commonwealth Government, to obtain supply of refined urea, a key ingredient in AdBlue, and prioritise distribution of refined urea and AdBlue should shortages emerge.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation with conditions until 1 December 2022.

This draft determination follows the ACCC's decision on 22 December 2021 to grant an urgent interim authorisation to enable AdBlue industry participants to immediately commence the arrangements prior to the ACCC's final determination.

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 March 2022. Submissions should be emailed to exemptions@acc.gov.au with the subject "AA1000598 – Brenntag Australia – submission". If you prefer to make an oral submission, please contact Gemma Smith via the details at the end of this letter to arrange a time.

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 March 2022 by email to 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.

Indicative date	Stage in assessment process
21 December 2021	Lodgement of application.
22 December 2021	ACCC decision regarding interim authorisation.
21 January 2022	Closing date for submissions on substantive application.
9 March 2022	Draft determination.
March 2022	Public consultation on draft determination including any conference if called.
25 March 2022	Closing date for submissions on draft 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 Gemma Smith via gemma.smith@acc.gov.au or 03 9290 1405.

Yours sincerely



Gavin Jones
Director
Competition Exemptions