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[www.accc.gov.au](http://www.accc.gov.au)

By email

Dear Madam or Sir

### **Paintback Limited application for Authorisation AA1000536 — Draft Determination**

The Australian Competition and Consumer Commission (the **ACCC**) has issued a draft determination in respect of the application for authorisation lodged on 30 November 2020 by Paintback Limited (**Paintback**, formerly known as Paint Stewardship Limited) on behalf of itself and participating paint suppliers (together, the Applicants).

The ACCC previously granted Authorisation A91405 to Paintback and participating paint suppliers to impose a \$0.15 per litre levy to the cost of certain architectural and design paints, and woodcare products (collectively, A&D paint) to fund the Paintback scheme and its collection and disposal activities. This conduct has been authorised until 1 June 2021.

The applicants are seeking a new authorisation for the same conduct for an additional 10 years.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for 10 years.

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 **7 May 2021**. Submissions should be emailed to [exemptions@acc.gov.au](mailto:exemptions@acc.gov.au) with the subject "AA1000536 – Paintback Limited – submission". If you prefer to make an oral submission, please contact Tom Whitby via the details at the end of this letter.

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 **30 April 2021** by email to [exemptions@acc.gov.au](mailto: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
<b>30 November 2020</b>	Lodgement of application and supporting submission.
<b>5 January 2021</b>	Public consultation process begins.
<b>5 February 2021</b>	Closing date for submissions from interested parties.
<b>February 2021</b>	Applicants respond to any issues raised in submissions.
<b>16 April 2021</b>	Draft determination
<b>April/May 2021</b>	Public consultation on draft determination including any conference if called.
<b>May 2021</b>	Final 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 Tom Whitby on 02 6243 1012.

Yours sincerely



Gavin Jones  
Director  
Competition Exemptions