



Our ref: AA1000457  
Contact officer: Robert Janissen  
Contact phone: 02 6243 1387

23 Marcus Clarke Street  
Canberra ACT 2601

GPO Box 3131  
Canberra ACT 2601

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

www.acc.gov.au

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Dear Sir/Madam

**Co-Operative Supermarkets Australia Limited - application for authorisation AA1000457—  
final determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a determination in respect of the application for authorisation lodged by Co-Operative Supermarkets Australia Limited (**CSA**) on 5 November 2019.

CSA sought authorisation for it and its members to:

- Collectively bargain with suppliers of all kinds in the Australian grocery industry supply chain in the relation to the supply of goods or services that are either consumed by CSA members or offered for sale through the members business. This includes the sharing of information by CSA members about price and conditions of supply offered to or existing with CSA members by suppliers.
- Impose and enforce an 'active member test', requiring members to actively trade in the goods and services offered through CSA's system during each rolling two-month period.

A copy of the ACCC's determination is attached, including a summary of its reasons. For the reasons set out in its determination, the ACCC has decided to grant conditional authorisation for five years. The ACCC's assessment is set out in Section Four of its determination and the condition imposed by the ACCC is set out at paragraph 5.7.

**Application for review**

Pursuant to section 101 of the *Competition and Consumer Act 2010*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 28 April 2020. If no application to review is lodged by this date, the ACCC's determination will come into force on 29 April 2020.

An application for review of the ACCC's determination should be lodged directly with the Australian Competition Tribunal. The Australian Competition Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the process involved in reviewing decisions in the Australian Competition Tribunal please refer to the tribunal's website located at <http://www.competitiontribunal.gov.au/>.

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 Robert Janissen on 02 6243 1387.

Yours sincerely

Darrell Channing  
Director  
Adjudication