



23 Marcus Clarke Street
Canberra ACT 2601

GPO Box 3131
Canberra ACT 2601

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

www.acc.gov.au

Our ref: AA1000546
Contact officer: Miriam Kolacz
Contact phone: 03 9658 6476

25/03/2021

By email

Dear Sir/Madam

Coles Group Limited and participating supermarkets – Application for authorisation AA1000546 – Interim authorisation decision and interested party consultation

On 12 March 2021, the Australian Competition and Consumer Commission (the **ACCC**) received an application for authorisation from Coles Group Limited (**Coles**). This letter is to invite you to comment. You are welcome to pass this letter on to others who may wish to make submissions.

Coles seeks authorisation on behalf of itself and Woolworths Group Limited, ALDI Stores (A Limited Partnership) and Metcash Limited to cooperate among themselves (and with other approved supermarkets) in response to the COVID-19 pandemic to ensure the supply and fair and equitable distribution of retail products to Australian consumers (the **Proposed Conduct**).

The Participating Supermarkets have an existing authorisation AA1000477 for substantially similar conduct which is due to expire on 31 March 2021 (the **Existing Authorisation**). The new authorisation has been sought to allow this cooperation to continue beyond 31 March 2021.

Coles is seeking authorisation until 31 March 2022. A full copy of the application for authorisation is available on the ACCC's [authorisations public register](#).

Interim authorisation

Because Coles' new application for authorisation was not lodged until shortly before the Existing Authorisation expires, the ACCC will not be able to make a final decision about the new application before 31 March 2021. Therefore, Coles also requested interim authorisation to enable the supermarkets to continue to engage in the above conduct, prior to the ACCC's final determination in relation to the substantive application for authorisation.

Interim authorisation protects the arrangements for which authorisation is sought from legal action under the relevant provisions of the *Competition and Consumer Act 2010* while the ACCC considers and evaluates the merits of the application.

On 25 March 2021, the ACCC decided to grant conditional interim authorisation. A copy of the ACCC decision is **attached** and available on the [ACCC Public Register](#).

Interim authorisation commences immediately and remains in place until it is revoked, the date the ACCC's final determination comes into effect or the date on which the application for authorisation is withdrawn.

Making a submission

To inform the ACCC's consideration about whether to grant substantive authorisation to allow cooperation among the supermarkets in response to the COVID-19 pandemic to

continue until 31 March 2022, the ACCC now invites you to make a submission on the substantive application for 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, please do so by **22 April 2021**. If you wish to request an extension, please contact us on the details 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 'AA1000546 – Coles Group Limited – submission'. Alternatively, if you would like to provide comments orally, please contact Miriam Kolacz via the details at the end of this letter.

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
12 March 2021	Lodgement of application.
25 March 2021	ACCC decision regarding interim authorisation.
22 April 2021	Closing date for submissions on substantive application.
5 May 2021	Coles responds to issues raised in the public consultation process.
June 2021	Draft determination.
June/July 2021	Public consultation on draft determination including any conference if called.
August 2021	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 Miriam Kolacz on (03) 9658 6476 or exemptions@acc.gov.au.

Yours sincerely



Gavin Jones
Director
Competition Exemptions