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**From:** Surina Sood  
**Sent:** Wednesday, July 24, 2024 9:26 AM  
**To:** Sophi MacMillan [REDACTED]  
**Cc:** Tess Macrae [REDACTED]; Anna Pound [REDACTED]; Andrew Ng  
**Subject:** AA1000675 - ResiLoop Limited - Request for information [SEC=OFFICIAL]

**OFFICIAL**

Dear Sophi

Thank you for your time last week. As discussed, we would appreciate it if you could please provide the following information:

*Proposed conduct*

1. The current description of the proposed conduct is quite broad. Instead, please precisely define the scope of the proposed conduct (i.e. identify each activity that will be undertaken under the Scheme for which authorisation is sought, and the specific agreement or clause(s) of an agreement that this is contained in, if relevant) and explain how each aspect of the proposed conduct relates to the relevant provisions of Part IV of the *Competition and Consumer Act 2010*.

For example, identify each activity proposed to be undertaken by ResiLoop, its members or participants of the Scheme which may constitute exclusive dealing, cartel conduct, concerted practices etc. An example of the level of detail we are looking for in relation to the description of the proposed conduct can be found in Tyre Stewardship Australia's [application](#) for authorisation (on pages 9 and 10).

*Interim authorisation*

2. In relation to ResiLoop's request for interim authorisation to meet the delivery requirements of the foundation contract, please explain:
  - a. The activities that will be undertaken by ResiLoop in order to meet the delivery requirements of the foundation contract, including the deadlines to complete each activity.
  - b. For each activity in (a), whether the activity could be undertaken without interim authorisation (i.e. without breaching the provisions of the Act) and, if not, explain why. Further, if some (but not all) activities can be undertaken without interim authorisation, could the scope of the interim authorisation be narrowed to a subset of the proposed conduct?
  - c. Whether it is possible for ResiLoop to meet the delivery requirements of the foundation contract without interim authorisation? And if so, in what way or to what extent.

*Proposed operation of the Scheme*

3. Please provide further detail about the steps involved in the collection, recovery process and delivery to manufacturers of end products, of resilient flooring waste (as alluded to in Figure 3 of the

application), including the supply chain actors involved in each step and explain what happens to the resilient flooring waste during each step.

4. Please provide further detail on the likely effect of the Scheme on current IPR arrangements, overseas exports or other relevant schemes/practices.
5. In relation to the research and development undertaken into new end markets and reprocessing technologies, explain:
  - a. The status of all successful field trials conducted by ARFA.
  - b. ResiLoop's plans for future field trials under the Scheme.
  - c. The existing end market options available for the recyclate.
  - d. ResiLoop's plans for the recyclate if new end products are not developed quickly enough.
  - e. Whether resilient flooring offcuts or waste can be made into recycled flooring products, and if so, in what forms.
6. Please estimate the proportion of uplifted floorcoverings in Australia that will be contaminated from adhesives, sub-floors or legacy additives, and will therefore not be recycled under the initial phases of the Scheme.
7. Please describe the incentives for industry participants to be part of the Scheme. For example, you discussed that there are requirements for building projects to meet environmental standards, including for the materials they use and dispose of.
8. How will ResiLoop ensure there is no coordination between members beyond what is necessary to implement the proposed conduct? This could be achieved, for example, by including a competition protocol or the presence of a competition lawyer at meetings between participants. (See for example, Condition 1 in [Commonwealth Bank of Australia and Ors authorisation](#) requires that a competition protocol be implemented and Condition 4 in [AEMO authorisation](#) requires that an external lawyer must attend meetings).
9. Does the Scheme have or intend to seek formal government accreditation?
10. As discussed, please outline whether the proposed conduct is likely to result in improvements in social costs, other than diverting waste from landfill and providing employment opportunities. As an example, some waste products have additional health costs from improper disposal in addition to environmental damage.

#### *Governance/Composition of the Board*

11. Please confirm the current proposed composition of the Board of ResiLoop, including the number of representatives from each sector of the supply chain.
12. Please elaborate on the role of the Advisory Panel in providing support to the Board, including the situations when the Panel may provide support and the likely experts or qualifications of whom would form this Panel, and whether they are independent of ResiLoop and its members.

#### *Measurement and reporting*

13. Please specify the anticipated short- and medium-term targets of the Scheme, including the areas of the Scheme's operations that the targets will cover.
14. Please provide further detail about the data that will be collected under the Scheme, including the processes involved in collecting this data and whether this data will be made available to the public and in what form.
15. Please provide further detail about the proposed independent review of the Scheme, including how much access the reviewer will have to relevant data, and the rationale for conducting the review no later than 5 years after the commencement of the Scheme (rather than a shorter period).

We would appreciate a response to questions 1 and 2 by **COB Friday 26 July 2024** and a response to questions 3 to 15 by **COB Wednesday 31 July 2024**.

Subject to our consideration of any request for exclusion from the public register, a public version of your response to this request will be placed on the ACCC's public register. This correspondence will also be placed on the public register.

Kind regards,  
Surina

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**Surina Sood** *(She/Her)*

Analyst | Competition Exemptions | Mergers Exemptions and Digital Division

**Australian Competition & Consumer Commission**

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