



Australian Competition & Consumer Commission

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Our Ref: C2003/1106  
Your Ref: JM:020435  
Contact Officer: Stefanee Lovett  
Contact Phone: (02) 6243 1359

7 May 2004

Mr Joseph McCarthy  
Schetzer Brott & Appel  
PO Box 400  
Collins Street West  
MELBOURNE VIC 8007

Dear Mr McCarthy

**Re: Exclusive dealing third line forcing notification  
lodged by Andrianopoulos Motors Pty Ltd t/a AA Petroleum (N91171)**

I refer to the above exclusive dealing third line forcing notification lodged with the Australian Competition and Consumer Commission (the Commission) on 25 August 2003. Immunity conferred by the notification commenced on 8 September 2003.

You have described the conduct as being the offering of a discount of 2 cents per litre on the pump price of petrol at certain BP retail sites on condition that the customer has purchased \$25 worth of goods from a number of supermarket and grocery retail store operators trading under various names including IGA, Food-Way and Food-Rite in the greater Melbourne area, the Geelong Bellarine Peninsula district and the Mornington Peninsula district.

On the basis of the information provided, it is not intended that further action be taken in this matter at this stage.

As you may be aware, notification of exclusive dealing third line forcing conduct only extends to cover the notifying party, as particularised on the notification form. A notification can not be lodged in respect of the conduct of another party. I note that it is not entirely clear on the information you have provided as to whether AA Petroleum is the only entity which is providing the offer of a discount at the BP retail sites identified in the notification. It should be noted that if any entity other than AA Petroleum is engaging in the offering of similar discounts at the relevant petrol sites, that conduct is not covered by the abovementioned notification.



Please note, as with any notification, the Commission may act to remove the immunity afforded by this notification at a later stage if it becomes satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

If you have any queries or questions regarding the above, please contact Stefanee Lovett on (02) 6243 1359.

Yours sincerely



Tim Grimwade  
General Manager  
Adjudication Branch