



Australian Competition & Consumer Commission

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Our Ref: C2004/662
Contact Officer: Michael Green
Contact Number: 6243 1088

2 June 2004

Mr Martin Algie
Baker & McKenzie
Level 39, Rialto Towers
525 Collins Street
MELBOURNE VIC 3000

Dear Mr Algie

**Re: Third line forcing notification No. N91388
lodged by Tyre Marketers (Australia) Limited**

I refer to your email sent on 26 May 2004 regarding the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the Commission) on 10 May 2004.

In your email you state that the Tyre Marketers (Australia) Limited (Tyre Marketers) notification is expressed more broadly than only covering the proposed campaign for June 2004. You described the conduct as Tyre Marketers providing discounts exclusively to RACV members. Legal immunity provided by the notification commenced on 24 May 2004.

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

However, in view of the absence of detail as to future arrangements, it is difficult for the Commission to assess the impact on competition and the level of benefit that may flow to the public in respect of each proposed campaign. I would expect Tyre Marketers to inform the Commission of the details of each proposed discount arrangement so that it can consult on and assess each arrangement on its merits should it be considered necessary.

Furthermore, you should be aware that from the information provided it is not clear that immunity for the conduct will cover discounts offered by the three networks of retail



outlets – Beaurepaires, Goodyear Auto Service Centres and Dunlop Super Dealers. A notification cannot be lodged by one company on behalf of other companies who may also be engaged in the exclusive dealing conduct. Each individual or company who may be party to an exclusive dealing arrangement must lodge separate notifications if they want to receive immunity from the Act.


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

This letter has been placed on the Commission's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Michael Green on 6243 1088.

Yours sincerely



Tim Grimwade
General Manager
Adjudication Branch

Approve	Register on
to be published on the Internet	
YES	NO
	
10 / 6 / 02	