



Australian Competition & Consumer Commission

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C2004/777
Our Ref: D04/24586
Contact Officer: Michael Green
Contact Number: 6243 1088

7 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. N91401
lodged by Tyre Marketers (Australia) Limited**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the Commission) on 31 May 2004.

You have described the conduct as Tyre Marketers (Australia) Limited, trading as Beaurepaires, offering discounts exclusively to holders of the Motorpass or Motorcharge cards, where they buy a set of Dunlop, Olympic or Goodyear branded tyres using that card. Legal immunity provided by the notification will come into force on 14 June 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.

As noted in our letter dated 2 June 2004 regarding notification N91388, due to 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.



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

Approved for publication on the Internet
YES / NO
0104