



Australian
Competition &
Consumer
Commission

Our Ref: N31488
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23 January 2006

Mr John Joyce
Managing Director Buying
ALDI Stores
Locked Bag
St Marys Delivery Centre
NSW 2760

Dear Mr Joyce

Confidentiality: Notification Lodged by Nestlé Australia Ltd (N31488)

The Australian Competition & Consumer Commission ("the ACCC") has received ALDI Store's submission, dated 12 January 2006, in response to the exclusive dealing notification lodged by Nestlé Australia Ltd.

You have claimed confidentiality for some documents and parts of other documents provided in the submission. As a person authorised to exclude documents from the public register for and on behalf of the ACCC, I advise that your request has been granted for all the documents and parts of documents.

I note also that your submission contained copies of correspondence between Mallesons Stephen Jaques, Nestlé, Baker & McKenzie and ALDI Stores, without claiming confidentiality for them. It is unclear whether this correspondence is confidential between the parties noting some of the documents are titled 'confidential communication', 'strictly confidential' and 'without prejudice'.

I consider sufficient public information has been provided to enable a proper assessment of the notification, and given uncertainty as to the nature of the correspondence I propose to exclude the correspondence from the public register at this stage. Copies however have been provided to Nestlé.

If you wish to discuss any aspect of this matter, please do not hesitate to contact Tim Scott on 02 6243 1221. A copy of this letter will be placed on the public register and made available on the ACCC's website at: www.accc.gov.au.

Yours sincerely

Scott Gregson
General Manager
Adjudication Branch

