



**Australian
Competition &
Consumer
Commission**

Our Ref: Trackit 30341
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23~~22~~ November 2007

Mr John Lancefield
Partner
Anderson Rice Lawyers
Level 10, 555 Lonsdale Street
Melbourne VIC 3000

By facsimile: (03) 9642 0271

Dear Mr Lancefield

Third line forcing notification N93220 lodged by Marine Power International Pty Ltd (MPI)

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 16 November 2007. The notification has been placed on the ACCC's public register.

The notification concerns:

- MPI supplying, or offering to supply, extended warranty services to owners of Mercury and Marines engines on the condition that the engine owner will acquire after-sales servicing for the engine from an authorised service centre.
- MPI refusing to supply, or offering to supply, extended warranty services to owners of Mercury and Marines engines for the reason that the engine owner has not acquired, or has not agreed to acquire, after-sales servicing for the engine from an authorised service centre.

Legal immunity conferred by the notification will come into force on 30 November 2007.

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 with any notification, please note that the ACCC may act to remove the immunity afforded by the notifications 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.

A copy of this letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Sharon Clancy on (02) 6243 1217.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Gregson', with a long horizontal flourish extending to the right.

Scott Gregson
General Manager
Adjudication Branch