



**Australian
Competition &
Consumer
Commission**

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25 July 2007

Faxed 26/7/07

SC

Mr Peter George
Minter Ellison Lawyers
GPO Box 769G
Melbourne VIC 3001

By facsimile: (03) 8608 1000

Dear Mr George

Third line forcing notification N93063 lodged by Subaru (Aust) Pty Ltd

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 13 July 2007. The notification has been placed on the ACCC's public register.

The following conduct has been notified:

Subaru Australia will:

- supply or offer to supply, extended warranty services to the owners of Assured Owners on the condition that the Assured Owner will acquire after-sales servicing for their Assured vehicle from a Subaru Service Provider; and
- refusing to supply, or offer to supply, extended warranty services to Assured Owners for the reason that the Assured Owner has not acquired, or has not agreed to acquire, after-sales servicing for the Assured vehicle from a Subaru Service Provider.

I note that 'Assured Owners' are purchasers of used Subaru vehicles that have been accredited with 'Assured' status under Subaru's 'Assured' program on the basis of specified eligibility criteria such as the vehicle's age and kilometres travelled.

Legal immunity conferred by the notification will come into force on 27 July 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, consisting of a stylized 'S' followed by a long horizontal line that loops back to the left.

Scott Gregson
General Manager
Adjudication Branch