



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: C2007/60  
Contact Officer: Hew Atkin  
Contact Phone: (02) 6243 1235

PO Box 1199  
Dickson ACT 2602  
470 Northbourne Ave  
Dickson ACT 2602  
ph (02) 6243 1111  
fax (02) 6243 1199  
[www.accc.gov.au](http://www.accc.gov.au)

29 January 2007

Mr Stephen Kroker  
Partner  
Corrs Chambers Westgarth  
GPO Box 9925  
Melbourne VIC 3001

Dear Mr Kroker

**Exclusive dealing notifications N92748 and N92749 lodged by BP Australia Pty Ltd**

I refer to the above third line forcing notifications lodged with the Australian Competition & Consumer Commission (ACCC) by BP Australia Pty Ltd on 22 December 2006.

You have described the notified conduct as follows:

*N92748*

*BP proposes to require parties who operate BP branded retail sites to:*

- *have those sites fitted (or re-fitted) and re-branded by design and building service providers nominated by BP from time to time; and*
- *purchase appliances and equipment which are specifically branded and have particular specifications, for the operation of convenience stores, cafés, bakeries and diners at BP retail sites from equipment and appliance suppliers nominated by BP from time to time.*

*N92749*

*BP proposes to require parties who operate BP branded retail sites to purchase a range of convenience store and café, bakery and diner products, or the ingredients thereof, and maintenance services from suppliers nominated by BP from time to time.*

Legal immunity conferred by these notifications commenced on 5 January 2007.



### **Claim for confidentiality**

Thank you for the additional information you provided by email on 24 January 2007. I note BP Australia's request that certain information concerning its contractual arrangements with franchisees and distributors be excluded from the public register.

As you are aware, the ACCC is generally required under section 95 of the *Trade Practices Act 1974* (the Act) to place documents provided to it in relation to a notification on the ACCC's public register. The Act provides that a person submitting a document in relation to a notification may request that the document or parts thereof be excluded from the public register by reason of the nature of certain information contained in the document.

As a person authorised to make a decision for and on behalf of the ACCC in relation to such a request, I advise that the two dot points under the heading 'BP franchisees and distributors' will not be placed on the public register.

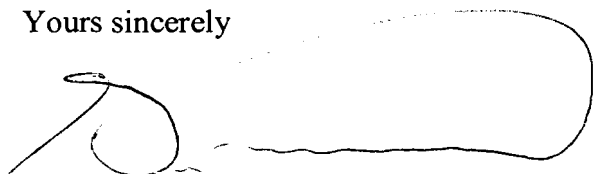
### **Notifications N92748 and N92749**

Based on the information you have provided, the ACCC does not intend to take any further action in relation to the above notifications at this stage.

Please note, as with any notification, the ACCC may act to remove the immunity afforded by these notifications at a later stage if it becomes 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 ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Hew Atkin on (02) 6243 1235.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Scott Gregson', followed by a long horizontal line.

Scott Gregson  
General Manager  
Adjudication Branch