



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2008/2056
Contact Officer: Lauren Roy
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8 January 2009

Richard Murphy
Partner
Minter Ellison Lawyers
525 Collins Street
Melbourne VIC 3000

Dear Mr Murphy

Third line forcing notification N93725 lodged by Miele Australia Pty Ltd

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 19 December 2008. The notification has been placed on the ACCC's public register.

Miele proposes to:

- supply or offer to supply services (being the conferral of the right on an agent to offer finance in conjunction with Miele products) on the condition that the agent will acquire services from a preferred Miele Finance Provider (being the right to offer finance on behalf of the preferred Miele Finance Provider); or
- refuse to supply services (being the conferral of the right on an agent to offer finance in conjunction with Miele products) for the reason that the agent has not acquired or agreed to acquire services from a preferred Miele Finance Provider (being the right to offer finance on behalf of the preferred Miele Finance Provider).

Legal immunity conferred by the notification commenced on 2 January 2009.

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 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 assessment has been made on the basis that Miele will disclose all relevant terms and conditions to its agents.

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 Lauren Roy on (02) 6243 4940.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Dr Richard Chadwick', with a long horizontal line extending to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch