



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2009/1384
Contact Officer: Jasmine Tan
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5 August 2009

Mr Stephen Kroker
Partner
Corrs Chambers Westgarth
600 Bourke Street
MELBOURNE VIC 3000

Dear Mr Kroker

Third line forcing notification N94046 lodged by BP Australia Pty Ltd

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 23 July 2009. The notification has been placed on the ACCC's public register.

BP Australia Pty Ltd (BP Australia) proposes to supply or offer to supply (or give or allow, or offer to give or allow, a discount, allowance, rebate or credit in relation to the supply of) base oil for the purpose of manufacturing BP Lubricants to Australasian Lubricants Manufacturing Company Pty Ltd (ALMC) on the condition that ALMC will acquire components of BP Lubricants, including base oil and other ingredients and packaging from suppliers nominated by BP Australia (Nominated Suppliers) from time to time.

BP Lubricants include grease, grease products, white oil, transformer/transmission oil, packed fuels, detergents, base oils, diesel engine oils, hydraulic oils, passenger car motor oils, drive line fluids, industrial oils, railroad engine oils, gas engine oils, marine engine oils and other specialty products.

Legal immunity conferred by the notification will commence on 6 August 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 BP Australia and Nominated Suppliers will disclose all relevant terms and conditions to prospective clients.

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 Jasmine Tan on (02) 6243 1363.

Yours sincerely

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

Dr Richard Chadwick
General Manager
Adjudication Branch