



*Generic Medicines Industry
Association Pty Ltd*

ABN 19 096 009 540

PO Box 222
Pymble BC
NSW 2073

25 June 2010

Dr Richard Chadwick
General Manager
Authorisations
Australian Competition and Consumer Commission
GPO Box 3131
Canberra ACT 2601

By email – richard.chadwick@accc.gov.au

Dear Dr Chadwick

Re: Request for interim authorisation for GMiA Code of Practice

On 21 April 2010 the Generic Medicines Industry Association (GMiA) received a complaint

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GMiA would like to address the Complaint in a timely fashion by convening its Code Complaint Committee (CCC). However, GMiA is reluctant to request members of the CCC to convene to review an issue concerning the commercial operations of a member company without authorisation of the Code of Practice (Code) being in place.


I refer to a conversation held on 23 June 2010 with Joanne Palisi and Monica Bourke from ACCC noting that GMiA is able to request an interim authorisation. GMiA believes that its request for interim authorisation satisfies a number of the relevant factors identified at paragraph 6.8 of the ACCC's *Guide to Authorisations*, as follows:

- the proposed arrangements under the Code are not highly anti-competitive;
- there is some urgency that an interim authorisation be granted, given that the CCC will soon receive its first complaint under the Code; and
- there is a possibility of harm to GMiA and its members if a grant of interim authorisation is denied, due to the possibility of legal action by a party which may be disaffected by the CCC's decision.

Accordingly, GMiA wishes to request interim authorisation for the Code that is currently under evaluation for authorisation by the Australian Consumer and Competition Commission. This will allow members of the CCC to review the Complaint in the most timely and responsible manner.

Please find attached a schedule of events that provides details of the Complaint. While the fact that GMiA has received a complaint is in the public domain, GMiA requests that the attached information be treated by the ACCC as confidential at this stage.

Kind regards,

A handwritten signature in black ink, appearing to read 'Kate Lynch', is placed over a light grey rectangular background.

Kate Lynch
Chief Executive Officer
Generic Medicines Industry Association Pty Ltd

GMiA

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