

Our Ref: 46062; 46261; 46310
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**Australian
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26 August 2011

<Name>
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Dear Sir/Madam

**Empty Container Parks Exclusive Dealing Notifications –
N95413, N95450 - N95456, N95465**

I refer to the above Exclusive Dealing Notifications lodged with the Australian Competition and Consumer Commission (the ACCC) between 25 May 2011 and 30 June 2011.

The Applicants propose to individually enter into an arrangement with Containerchain Pty Ltd under which container transport operators who wish to drop a container off or pick up a container from the Applicant's park will be required to use an online booking system provided by Containerchain Pty Ltd. The container transport operator will pay a booking fee to Containerchain Pty Ltd for this service.

As you are aware, the ACCC has written to interested parties seeking submissions in relation to the applications. Copies of all submissions received by the ACCC are available on the public register at www.accc.gov.au/exclusivedealingregister.

Having regard to the claims by the empty container parks, and the issues raised by interested parties; the ACCC is satisfied that the likely benefit to the public from the notified conduct will outweigh the likely detriment to the public.

Please find attached the ACCC's public decision document released on 26 August 2011, outlining the ACCC's analysis in reaching its decision.

Accordingly, the ACCC does not intend to take any further action in this matter at this time.

Please note that these notifications provide immunity for the specified third line forcing conduct only and do not provide immunity for any agreements between empty container parks that may raise concerns under section 45 of the *Competition and Consumer Act 2010*.

As with any notification, please note that the ACCC may act to remove the immunity afforded by these 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. 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 David Hatfield on (02) 6243 1266 or by email at david.hatfield@acc.gov.au

Yours sincerely



Richard Chadwick
General Manager
Adjudication Branch

**Empty Container Parks – Exclusive dealing notifications
N95413; N95450 – N95456; N95465
ACCC to Interested Parties Regarding ACCC’s Decision**

- Canny Carrying Co
- Customs Brokers & Forwarders Council of Australia Inc.
- Containerchain Pty Ltd
- DP World
- Dunn's transport
- GHD Pty Ltd
- Institute for Supply Chain and Logistics, Victoria University
- IWD Pty Ltd
- KP Group
- Melbourne Container Park
- Melbourne Reefer Services
- Oceania Container Services
- Port Melbourne Containers
- Port of Melbourne Corporation
- Secon Freight Logistics
- Shipping Australia Ltd
- Sunace
- Toll Transport Pty Ltd
- Transaction
- Victoria Police
- Victorian Transport Association
- Victorian Container Management Pty Ltd