



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: TRACKIT 47771  
Contact Officer: Gina D'Ettorre  
Contact Number: 03 9290 1483

21 December 2011

Chris Ryan  
Senior Legal Counsel  
The Shell Company of Australia  
8 Redfern Road  
HAWTHORN EAST VIC 3123

Dear Mr Ryan

**Third line forcing notification N95656 lodged by  
The Shell Company of Australia Limited**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 14 December 2011. The notification has been placed on the ACCC's public register.

The Shell Company of Australia Limited (Shell) proposes to offer a discount on automotive fuel purchased from Shell using a Shell Card to participants (either directly or indirectly via another organisation) in EMSquared's buying group. Shell may also refuse to offer the discount to persons who are not participants of EMSquared.

Legal immunity conferred by the notification will commence on 28 December 2011.

On the basis of the information 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 Shell 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 Gina D'Ettorre on 03 9290 1483.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Hatfield', written in a cursive style.

David Hatfield  
A/g General Manager  
Adjudication Branch