



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2010/956
Contact Officer: Gina D'Ettorre
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3 March 2011

Dear Sir/Madam

**Refrigerant Reclaim Australia Limited Application for authorisation A91256
- draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by Refrigerant Reclaim Australia Limited (the RRA) on 20 October 2010.

Draft determination

A copy of the ACCC's draft determination is attached, including a summary of its reasons. The ACCC proposes to grant authorisation to the RRA to continue to operate a product stewardship scheme to recover and reclaim or destroy ozone depleting and synthetic greenhouse gas refrigerants including applying a levy at the current rate of \$2.00 per kilogram of refrigerant imported and sold in Australia, and to extend the Scheme, to allow industry participants (which are part of the RRA Board) to discuss and agree to:

- set the value of rebates paid to contractors and wholesalers
- determine the processes and disposal practices that will apply to recovered refrigerant.

The ACCC proposes to grant authorisation for five years.

The ACCC does not propose to authorise the RRA to amend the levy at this time but is seeking further submissions about the circumstances in which the levy may be amended, and the benefits and detriments that may result from allowing the RRA to amend the levy during the proposed term of the authorisation.

Next steps

Once the ACCC issues a draft determination, the Applicant or any interested party may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the

draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination, you must notify the ACCC in writing by **Friday, 18 March 2011**.

Alternatively, you are invited to make a written submission in response to the ACCC's draft determination. Submissions should also be lodged by **Friday, 18 March 2011**.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, and will then release a final determination in relation to these applications.

Submissions will be placed on the ACCC's public register subject to any request for exclusion.

Timetable

The ACCC will continue to progress its assessment of the application in a timely manner. An updated indicative timetable is set out below for your information.

20 October 2010	Lodgement of application and supporting submission.
26 October 2010	Public consultation process begins.
1 December 2010	ACCC decision regarding interim authorisation.
3 March 2011	Draft determination.
18 March 2011	Deadline for requesting conference and for providing further written submissions.
March/April 2011	Conference if called.
April 2011	Final determination.

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



Dr Richard Chadwick
General Manager
Adjudication Branch