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MARS/PRISM.

24 January 2012

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\*Associated firm

Adjudication Branch  
 Australian Competition and Consumer Commission  
 GPO Box 3131  
 Canberra ACT 2601

Dear Sir/Madam,

**Exclusive Dealing Notifications – McLaren Automotive Asia Pte Ltd**

We act for McLaren Automotive Asia Pte Ltd. We enclose an exclusive dealing notification by McLaren Automotive Asia Pte Ltd pursuant to section 93(1) of the *Competition and Consumer Act 2010 (Cth) (Act)*.

This notification is lodged in respect of conduct which may constitute exclusive dealing under sections 47(6) and 47(7) of the Act. This notification is given in the prescribed form and should not be taken as an admission that the conduct would contravene the statutory prohibition.

We also enclose a cheque made payable to the Commission in the sum of \$100, being the prescribed lodgment fee.

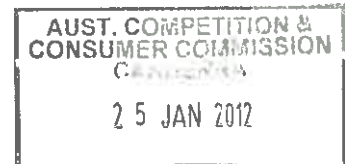
Please do not hesitate to contact me if you require any further information or have any queries concerning this notification.

Yours sincerely,

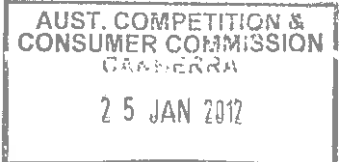


Penny Ward  
 Partner  
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Encl



Baker & McKenzie, an Australian Partnership is a member of Baker & McKenzie International, a Swiss Verein



**Form G**

Commonwealth of Australia

*Competition and Consumer Act 2010 — subsection 93 (1)*

**NOTIFICATION OF EXCLUSIVE DEALING**

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with subsection 93 (1) of the *Competition and Consumer Act 2010*, of particulars of conduct or of proposed conduct of a kind referred to subsections 47 (2), (3), (4), (5), (6), (7), (8) or (9) of that Act in which the person giving notice engages or proposes to engage.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

**1. Applicant**

(a) Name of person giving notice:

N95683 McLaren Automotive Asia Pte Ltd, a company incorporated in Singapore (registered no.201118546G) whose registered office is at 8 Marina Boulevard, #05-02, Marina Bay Financial Centre, Singapore ("McLaren").

(b) Short description of business carried on by that person:

McLaren is the exclusive distributor in Asia of motor vehicles and spare parts thereof manufactured by or on behalf of McLaren Automotive Limited, a company incorporated in England and Wales having its registered office at the McLaren Technology Centre, Chertsey Road, Woking, Surrey, GU21 4YH, England.

McLaren distributes McLaren motor vehicles to authorised dealers and after-sales service providers in Australia ("**Dealers**").

(c) Address in Australia for service of documents on that person:

Baker & McKenzie  
Solicitors & Attorneys  
AMP Centre  
50 Bridge Street  
Sydney NSW 2000  
Australia

Telephone: (02) 8922 5167  
Facsimile: (02) 9225 1595  
Attention: Penny Ward

**2. Notified arrangement**

- (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates:
- Road going motor vehicles manufactured by or on behalf of McLaren Automotive Limited.
  - Spare parts for motor vehicles manufactured by or on behalf of McLaren Automotive Limited.

- (b) Description of the conduct or proposed conduct:

McLaren Automotive Limited (the manufacturer) has entered into an agreement with Unipart Logistics Limited, a company incorporated in England and Wales whose registered office is at Unipart House, Cowley, Oxford, OX4 2PG, United Kingdom relating to the distribution of spare parts for McLaren motor vehicles ("**Unipart**").

Unipart is an expert in warehouse, logistics, order management and associated services. Pursuant to its agreement with McLaren Automotive Limited, Unipart is responsible for the ordering, management and distribution of spare parts for McLaren motor vehicles.

McLaren proposes to enter into agreements with Dealers for the supply of McLaren motor vehicles on the condition that Dealers acquire McLaren spare parts exclusively from Unipart.

**3. Persons, or classes of persons, affected or likely to be affected by the notified conduct**

- (a) Class or classes of persons to which the conduct relates:

Dealers

- (b) Number of those persons:

- (i) At present time:

One (1)

- (ii) Estimated within the next year:

One (1)

- (c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses:

Bespoke Automotive Australia Pty Ltd, a company incorporated in Australia (ABN 43 076 101 883) whose registered office is at C/- Champions Business Growth Advisors, Level 3, 107 Philip St, Parramatta NSW 2150.

#### 4. Public benefit claims

(a) Arguments in support of notification:

The conduct described in 2(b) will be of public benefit because:

- Unipart's experience and expertise in the management of global spare parts supply will enable it to maintain quality and consistency in the delivery of McLaren spare parts to Dealers, which will lead to efficiencies and cost savings for Dealers. These benefits will ultimately be passed on to consumers.
- The conduct will promote competition in the market for the supply of high performance luxury sports motor vehicles because it will encourage other suppliers to offer dealers the ability to obtain spare parts in a manner that provides similar efficiencies and cost savings to those that Unipart provides.

(b) Facts and evidence relied upon in support of these claims:

- McLaren Automotive Limited and McLaren are start up companies in the fields of vehicle manufacturing and distribution and do not have the personnel or resources to manage global spare parts supply, including provision of after-sales support, in an efficient or cost effective manner.
- Unipart's experience, expertise and knowledge in the management of global spare parts supply, including its established distribution network, infrastructure, software and systems will result in efficiencies in the logistics and supply chain management of McLaren spare parts. This will lead to cost savings for Dealers, which will ultimately benefit consumers as well.
- In addition, Unipart has the "purchasing power" to enable it to provide competitive delivery rates for Dealers through its ability to negotiate competitive freight rates with logistics service providers.
- Unipart's experience and expertise will enable it to provide quality assurance to Dealers through outstanding customer service, including in respect of part availability, speed of delivery of service and avoidance of delays, and the provision of dedicated customer support 24 hours a day. This will ultimately benefit consumers as well.
- The service offered by Unipart will be competitive with the spare parts service offered by McLaren's competitors. McLaren has benchmarked the customer service and part availability achieved by its competitors and designed its processes with Unipart to ensure the level of service delivered matches those of larger volume manufacturers.

**5. Market definition**

- Provide a description of the market(s) in which the goods or services described at 2(a) are supplied or acquired and other affected markets including: significant suppliers and acquirers; substitutes available for the relevant goods or services; any restriction on the supply or acquisition of the relevant goods or services (for example geographic or legal restrictions):The national market for the supply of high performance luxury sports motor vehicles to dealers
- The national market for the supply of spare parts for McLaren motor vehicles

**6. Public detriments**

- (a) Detriments to the public resulting or likely to result from the notification, in particular the likely effect of the notified conduct on the prices of the goods or services described at 2(a) above and the prices of goods or services in other affected markets:

The public benefit of the proposed conduct will outweigh any public detriment because:

- McLaren Automotive Limited is not the only manufacturer to supply high performance luxury sports motor vehicles in Australia. There is strong competition among suppliers of these types of motor vehicles.
- The benefit of Unipart's experience and expertise in the management of global spare parts supply, which enable it to create efficiencies and cost savings and maintain quality and consistency in the delivery of McLaren spare parts to Dealers, will ultimately be passed on to consumers.
- The benefit of there being competition in the market for supply of high performance luxury sports motor vehicles that will encourage other suppliers to offer dealers the ability to obtain spare parts in a manner that provides similar efficiencies and cost savings to those that Unipart provides, and which will ultimately be passed on to consumers.

- (b) Facts and evidence relevant to these detriments:

Any public detriment that results from the conduct will be outweighed by the public benefit for the reasons given in section 6(a).

**7. Further information**

- (a) Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:

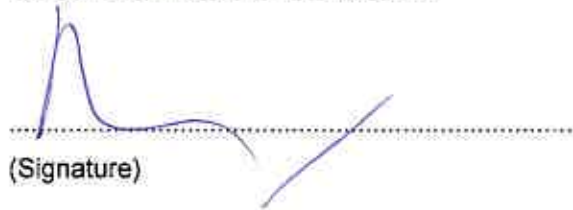
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AMP Centre  
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Sydney NSW 2000  
Australia

Telephone: (02) 8922 5167  
Facsimile: (02) 9225 1595  
Attention: Penny Ward



Dated 24 January 2012

Signed by/on behalf of the applicant

  
(Signature)

## DIRECTIONS

1. In lodging this form, applicants must include all information, including supporting evidence that they wish the Commission to take into account in assessing their notification.

Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.

2. If the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1 (a), not the name of the person signing the notice, and the notice is to be signed by a person authorised by the corporation to do so.
3. Describe that part of the business of the person giving the notice in the course of the which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in section 47 of the *Competition and Consumer Act 2010* have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. Describe the business or consumers likely to be affected by the conduct.
6. State an estimate of the highest number of persons with whom the entity giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.
7. Provide details of those public benefits claimed to result or to be likely to result from the proposed conduct including quantification of those benefits where possible.
8. Provide details of the market(s) likely to be affected by the notified conduct, in particular having regard to goods or services that may be substitutes for the good or service that is the subject matter of the notification.
9. Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.