



Mercedes-Benz

18 June 2012

Mercedes-Benz  
Financial Services  
Australia Pty Ltd  
A Daimler Company

Adjudication Branch  
Australian Competition & Consumer Commission  
GPO Box 3131  
CANBERRA ACT 2601

FILE No:
DOC:
MARS/PRISM:

Dear Sir/Madam

**Mercedes-Benz Financial Services Australia Pty Ltd – Notification of Exclusive Dealing**

We refer to the above matter and enclose the following:

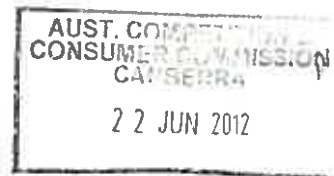
1. Form G – Notification of Exclusive Dealing;
2. Cheque in the sum of \$100.00 being your fees in relation to the lodgement of the above.

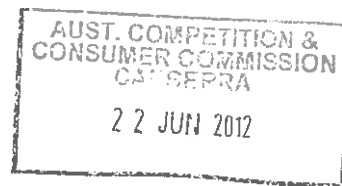
Should you have any queries in relation to the enclosed form, please feel free to contact the writer on (03) 8854 3332 or [sasha.trakilovic@daimler.com](mailto:sasha.trakilovic@daimler.com)

Yours faithfully  
Mercedes-Benz Financial Services Australia Pty Ltd

Sasha Trakilovic  
Corporate Lawyer

Encl.





**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:

N95992 Mercedes-Benz Financial Services Australia Pty Ltd ACN 074 134 517  
("MBFSAu")

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

MBFSAu specialises in providing motor vehicle finance and insurance products.

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

Attention: Sasha Trakilovic  
Corporate Lawyer  
Mercedes-Benz Financial Services Australia Pty Ltd  
1/41 Lexia Place  
Mulgrave VIC 3170

**2. Notified arrangement**

(a) Description of the goods or services in relation to the supply or acquisition of which this notice relates:

The proposed conduct relates to supply of motor vehicle finance.

(b) Description of the conduct or proposed conduct:

MBFSAu proposes to offer a guaranteed repurchase agreement to customers that purchase vehicles from authorised Mercedes-Benz dealerships (the “Dealerships”) and obtain finance from MBFSAu.

The repurchase agreement would be subject to the vehicle meeting pre-determined return conditions such as fair wear and tear at the end of the finance term.

The guaranteed repurchase offer will be made available for an indefinite time period and may be withdrawn at the discretion of MBFSAu.

There is a possibility the above proposal may involve conduct described within s47(6) and/or s47(7) of the *Competition and Consumer Act 2010* (Cth) as MBFSAu may not offer the same repurchase offer to customers financing motor vehicles other than the Mercedes-Benz brand from the Dealerships.

**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:**

Existing and potential customers who satisfy MBFSAu’s credit criteria and subsequently enter into a guaranteed repurchase agreement motor vehicle finance contract with it.

**(b) Number of those persons:**

**(i) At present time:**

None

**(ii) Estimated within the next year:**

Estimated to be in excess of 50.

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

N/A

**4. Public benefit claims**

**(a) Arguments in support of notification:**

The proposed conduct will result in a public benefit to consumers.

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

- (i) Customers will benefit from the proposed conduct by providing them with greater flexibility with their finances;
- (ii) Peace of mind by having a guaranteed repurchase agreement at the end of the finance term;
- (iii) Customers will also benefit from the proposed conduct as it may stimulate other financiers and other motor vehicle dealers to provide beneficial and alternative financial stimuli.

**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):

Motor vehicle finance and motor vehicle sales are the two relevant markets for the conduct described in paragraph 2 herein. Both markets are highly competitive in nature and the abundance of both motor vehicle dealerships and financiers provide for significant substitutability.

The conduct referred to in paragraph 2 herein is restricted to prescribed dealerships however, at all times during the offer period, MBFSAu will not restrict consumers to:

- (i) purchase any specific make and/or model of vehicle from the prescribed dealerships;
- (ii) obtain finance only from MBFSAu in relation to any vehicle purchase allowing the customers flexibility in their choice of financiers;
- (iii) the proposed conduct itself, allowing customers to seek alternative financial arrangements either through MBFSAu or alternative financiers.

**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:

MBFSAu does not believe the proposed conduct is likely to result in any public detriment as the customer will not be compelled to obtain finance from MBFSAu in order to purchase a vehicle from the prescribed dealerships. Alternatively, the customer will not be compelled to purchase a vehicle from the prescribed dealerships in order to obtain finance from MBFSAu.

The price of the motor vehicles being sold at the prescribed dealerships will not be affected by the proposed conduct.

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

The highly competitive nature of the motor vehicle and accompanying financier markets allows for broad consumer choice and the customers are not restricted in any way to deal with any other motor vehicle dealership or financier and to take advantage of any other competitive offers from those parties.

**7. Further information**

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

Sasha Trakilovic  
Corporate Lawyer  
Mercedes-Benz Financial Services Australia Pty Ltd  
1/41 Lexia Place  
Mulgrave VIC 3170  
(03) 8554 3332  
[sasha.trakilovic@daimler.com](mailto:sasha.trakilovic@daimler.com)



Dated.....18/6/2012.....

Signed by/on behalf of the applicant  
.....

(Signature)

**SASHA TRAKILOVIC**

(Full Name)

**MERCEDES-BENZ FINANCIAL SERVICES AUSTRALIA PTY LTD**

(Organisation)

**CORPORATE LAWYER**

(Position in Organisation)

Dated.....18/6/2012.....

Signed by/on behalf of the applicant  
.....

(Signature)

**CRAIG CUBITT**

(Full Name)

**MERCEDES-BENZ FINANCIAL SERVICES AUSTRALIA PTY LTD**

(Organisation)

**GENERAL MANAGER – SALES & MARKETING**

(Position in Organisation)

## 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