

Our Ref: 55039
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**Australian
Competition &
Consumer
Commission**

17 October 2014

Dear Sir/Madam

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Medicines Australia Limited application for revocation of authorisations A91316-A91320 and substitution of new authorisations A91436-A91440 – draft determination

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for re-authorisation (application for revocation and substitution) lodged by Medicines Australia Limited (Medicines Australia) on 2 July 2014.

Please see the ACCC's publication [Authorisation process – the basics](#) for a summary of the authorisation process and how to make a submission to the ACCC.

Medicines Australia has sought re-authorisation in respect of edition 18 of the Medicines Australia Code of Conduct, which is a voluntary industry code of conduct for the prescription medicines industry in Australia.

The ACCC previously granted authorisation to edition 17 of the Medicines Australia Code of Conduct until 11 January 2015.

Draft determination

A copy of the ACCC's draft determination and summary of its reasons is attached.

For the reasons set out in its draft determination, the ACCC proposes to grant conditional authorisation to edition 18 of Medicines Australia's Code of Conduct for five years.

In edition 18 of the Code, Medicines Australia has proposed a new reporting regime which requires reporting of 'transfers of value' made to individual healthcare professionals, subject to the healthcare professional's consent. The ACCC is proposing to impose a condition to ensure that **all** relevant transfers of value by member companies to individual healthcare professionals are reported. The ACCC is also considering requiring ongoing hospitality reporting.

Next steps

Once the ACCC issues a draft determination, the Applicant or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **7 November 2014**. Submissions should be emailed to adjudication@accc.gov.au with the subject "A91436-A91440 – Medicines Australia – submission".

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.

In the event a pre-decision conference is requested, it will likely be held on Wednesday **12 November 2014**. Video conferencing facilities will be available in most of the ACCC's offices.

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 **31 October 2014**.

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. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

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.

Indicative date	Stage in assessment process
2 July 2014	Lodgement of applications and supporting submission.
3 July 2014	Public consultation process begins.
17 October 2014	Draft determination.
November 2014	Public consultation on draft determination including any conference if called.
December 2014	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 Tess Macrae on 03 9290 1835 or adjudication@acc.gov.au.

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch