

Our Ref: 55696
Contact Officer: Gavin Jones
Contact Number: 03 9290 1475



**Australian
Competition &
Consumer
Commission**

26 November 2014

Mr Murray Deakin
Partner
K&L Gates

Via email

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Canberra ACT 2601
23 Marcus Clarke Street
Canberra ACT 2601
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Dear Mr Deakin

Third line forcing notification N97711 lodged by Amneal Pharmaceuticals Pty Ltd

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the **ACCC**) on 29 August 2014. The notification has been placed on the ACCC's public register.

Amneal Pharmaceuticals Pty Ltd (**Amneal**) proposes to offer a rebate to pharmacy customers in relation to the supply of goods by third parties to Amneal Australia customers who acquire more than 90% of Amneal Australia's product range on condition that those customers acquire identified products not available in Amneal Australia's product range from third parties specified by Amneal Australia (i.e., manufacturers or wholesale suppliers of the identified product range).

Legal immunity conferred by the notification will commence on 12 September 2014.

On the basis of the information that you have provided, including that each pharmacy is free to elect any wholesaler or supplier from which to acquire any of the particular products that Amneal does not supply, 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 Amneal will disclose all relevant terms and conditions to prospective customers.

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 Gavin Jones on 03 9290 1475.

Yours sincerely

A handwritten signature in blue ink, appearing to be "Richard Chadwick".

Dr Richard Chadwick
General Manager
Adjudication Branch