



**Australian
Competition &
Consumer
Commission**

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By email

Dear Sir or Madam

Association of Magazine Publishers of Australia Inc application for authorisation A91472 - draft determination

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by the Association of Magazine Publishers of Australia Inc (MPA) on 27 November 2015. The ACCC has also decided to grant interim authorisation to commence on 1 April 2015.

The MPA is seeking authorisation for its members and certain magazine distributors to agree to conduct a pilot program to test the effectiveness of a proposed approach to address an industry wide problem of oversupply of magazines to newsagents.

A copy of the ACCC's draft determination, including its interim authorisation decision, and summary of its reasons is attached.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for one year.

Please see the ACCC's publication *Authorisation process - the basics* (attached) for a summary of the authorisation process and how to make a submission to the ACCC.

Interim authorisation protects the arrangements for which authorisation is sought from legal action under the relevant provisions of the *Competition and Consumer Act 2010* while the ACCC considers and evaluates the merits of the application. It will remain in place until the date the ACCC's final determination comes into effect or until the ACCC decides to revoke interim authorisation. The ACCC may reconsider its decision to grant interim authorisation should significant concerns be raised in response to this draft determination.

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 **2 April 2015**. Submissions should be emailed to

adjudication@acc.gov.au with the subject "A91472 – Magazine Publishers of 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.

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 **2 April 2015**.

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 this application.

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* (attached).

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
27 November 2014	Lodgement of application and supporting submission.
5 December 2014	Public consultation process begins.
12 March 2015	ACCC draft determination and decision regarding interim authorisation.
March 2015	Public consultation on draft determination including any conference if called.
April 2015	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 Hannah Ransom on (02) 6243 1255 or adjudication@acc.gov.au.

Yours sincerely



David Hatfield
Director
Adjudication Branch