



Our ref: 62113
Contact officer: Natalie Morton
Contact phone: (02) 6243 3003

29 August 2017

Mark McCowan
Partner
Corrs Chambers Westgarth

23 Marcus Clarke Street
Canberra ACT 2601

GPO Box 3131
Canberra ACT 2601

tel: (02) 6243 1111

fax: (02) 6243 1199

adjudication@accc.gov.au

www.accc.gov.au

By email

Dear Mr McCowan

BP Australia Pty Ltd & Ors applications for authorisation A91580, A91581 & A91582— interested party consultation

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the applications for authorisation lodged by BP, Woolworths and BP Resellers on 28 April 2017.

Draft determination

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

In respect of the aspects of the Proposed Conduct relating to 'transitional arrangements' between BP and Woolworths, the ACCC proposes to grant conditional authorisation for a period of one year. The ACCC otherwise proposes to grant conditional authorisation to the Applicants in respect of the Proposed Conduct for a period of 10 years.

The ACCC proposes to grant authorisation subject to a condition that Woolworths and BP offer and comply with a section 87B undertaking acceptable to the ACCC which caps Woolworths' shopper docket and Woolworths Rewards loyalty program fuel discount offers to 4 cents per litre in aggregate for a single fuel purchase.

Next steps

Once the ACCC issues a draft determination, the Applicants 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 **18 September 2017**.

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 **12 September 2017**.

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
28 April 2017	Lodgement of application and supporting submission.
12 May 2017	Public consultation process begins.
1 June 2017	Closing date for submissions from interested parties.
28 July 2017	Applicant responds to issues raised in the public consultation process.
29 August 2017	Draft determination.
12 September 2017	Deadline to call pre-decision conference ¹
18 September 2017	Closing date for submissions in relation to the draft determination
25 September 2017	Applicants response to submissions
October 2017	Final determination.

This letter will be placed on the ACCC's public register.

If you wish to discuss any aspect of this matter please do not hesitate to contact Liz Batten on (02) 6243 1359 or Natalie Morton on (02) 6243 3003.

Yours sincerely



David Hatfield
Director
Adjudication Branch

¹ Note that in the event a pre decision conference is called, the final determination will be delayed to account for the time between interested parties calling a conference and the date the conference is held.