

Our Ref: 60742
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**Australian
Competition &
Consumer
Commission**

22 March 2017

Mr Eddie Scuderi
Partner
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By email: eddie.scuderi@corrs.com.au
CC: james.cameron@corrs.com.au

Dear Mr Scuderi

**British American Tobacco & Ors applications for authorisation A91556 – A91557 –
request for extension to be granted under section 90(10A)**

I refer to the Australian Competition and Consumer Commission's (the ACCC) draft determination in relation to the above listed applications for authorisation, released on 15 December 2016.

The ACCC requires further time beyond the current statutory date for the ACCC's final determination of 29 March 2017 in order to consider the proposals and information set out in your submission of 15 March 2017.

As you are aware the *Competition and Consumer Act 2010* (the Act) provides that if the ACCC does not determine an application for authorisation within the relevant period, then it is taken to have granted the application at the end of that period.

Section 90(10A) of the Act provides that the relevant period may be extended where:

- (a) the ACCC has prepared a draft determination under subsection 90A(1) in relation to the application; and
- (b) the ACCC determines in writing that the period is extended by a specified period of not more than six months; and
- (c) the applicant agrees to the period being so extended.

The purpose of this letter is to advise you that in accordance with subsection 90(10A)(b) of the Act, the ACCC has determined that the relevant period for consideration of the above listed applications for authorisation should be extended until 29 June 2017, and to seek your agreement that the relevant period is so extended.

While I anticipate that the ACCC is likely to release a final determination considerably sooner than 29 June, the relevant period can only be extended once, and the ACCC considers that

a three month extension is prudent to allow for the possibility that new information is provided or other unforeseen developments.

Please provide your written response to this request by **24 March 2017**.

A copy of 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 Hannah Ransom on (02) 6243 1255.

Yours sincerely



David Jones
General Manager
Adjudication