



Australian
Competition &
Consumer
Commission

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By email

Dear Sir or Madam

British American Tobacco & Ors application for authorisation A91550 —final determination

The Australian Competition and Consumer Commission (the ACCC) has issued a determination in respect of the application for authorisation lodged by British American Tobacco and others on 25 August 2016.

British American Tobacco, Imperial Tobacco and Philip Morris sought authorisation for an arrangement between them whereby they would agree to suspend or cease supply of their tobacco products to retailers and wholesalers who were found to be selling illicit tobacco products.

A copy of the ACCC's determination is attached, including a summary of its reasons. For the reasons set out in its determination, the ACCC has decided to deny authorisation to the proposed arrangements. The ACCC's assessment is set out in its determination.

Application for review

Pursuant to section 101 of the *Competition and Consumer Act 2010*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 14 July 2017.

An application for review of the ACCC's determination should be lodged directly with the Australian Competition Tribunal. The Australian Competition Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the process involved in reviewing decisions in the Australian Competition Tribunal please refer to the tribunal's website located at <http://www.competitiontribunal.gov.au/>.

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.

Yours sincerely

David Jones
General Manager
Adjudication