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By email

Dear Sir or Madam

British American Tobacco & Ors application for authorisation A91550 —Pre-Decision Conference

British American Tobacco, Imperial Tobacco and Philip Morris (the Applicants) have requested that the Australian Competition & Consumer Commission (the ACCC) convene a conference in relation to the draft determination issued by the ACCC on 15 December 2016 proposing to deny their authorisation application A91550.

The Applicants have sought authorisation for an arrangement between them whereby they work together to identify, issue warning notices and, if warning notices are not heeded, suspend or cease supply of their tobacco products to retailers and wholesalers who sell illicit tobacco products.

The ACCC concluded in its draft determination that overall it was not satisfied that the public benefit flowing from the proposed arrangements is likely to outweigh the public detriment and proposed to deny authorisation to the application. A copy of the application and draft determination can be found on the ACCC's website.¹

A pre-decision conference provides an opportunity for applicants and interested parties to make oral submissions to the ACCC about its draft determination.

The ACCC will hold the conference at 1pm (AEDT) on **13 February 2017**, at the ACCC's Melbourne office (Level 35, The Tower, 360 Elizabeth St, Melbourne Central). Video link ups to ACCC offices in other capital cities may be able to be arranged on request. Commissioner Roger Featherston will chair the conference.

Under the *Competition and Consumer Act 2010* (the Act) the applicant and other interested parties may attend the conference. If you wish to attend, you must notify the ACCC of your intention in writing by **COB Wednesday, 1 February 2017** and briefly indicate why you or your company or organisation has an interest in the matter. To do so please email adjudication@acc.gov.au.

You should provide details of a contact name, telephone number, mailing address and e-mail address so that you can be notified of any late changes to conference arrangements.

If you represent a company or organisation you should also provide a list of attendees and their position titles, and indicate who will be the chief spokesperson.

¹ <http://registers.accc.gov.au/content/index.phtml/itemId/1198125/fromItemId/278039>

Please note that while conference participants may bring outside legal or other professional advisers to assist them, the Act prohibits these advisers from participating in conference discussions.

Attached for your information are procedures usually followed at pre-decision conferences.

A copy of this letter has been placed on the ACCC's public register. If you require any further information in regard to the conference or wish to clarify whether you may be considered an 'interested person' within the terms of the Act, please do not hesitate to contact Hannah Ransom on (02) 6243 1255.

Yours sincerely



David Jones
General Manager
Adjudication Branch