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*By email*

Dear Sir/Madam

**Resale Price Maintenance Notification RPM20181 lodged by Tooltechnic Systems (Aust) Pty Ltd — interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) has received a notification from Tooltechnic Systems (Aust) Pty Ltd (Tooltechnic), which is proposing to engage in resale price maintenance (RPM) with regard to its Festool and Fein power tools.

The ACCC invites you to comment on the arrangement. Further information about the RPM notification process is provided in the ACCC's [Resale Price Maintenance Guidelines](#).

**RPM notification lodged by Tooltechnic**

On 12 February 2018, Tooltechnic lodged an RPM notification. Tooltechnic is proposing to:

- require dealers to not sell any Fein product below a price(s) nominated by Tooltechnic (this is a new arrangement)
- require its dealers to not sell any Festool product below a price(s) nominated by Tooltechnic (this continues an existing arrangement authorised by the ACCC in 2014).

RPM conduct is normally in breach of the *Competition and Consumer Act 2010*, but parties can obtain immunity for certain forms of RPM conduct by lodging a notification with the ACCC.

Under Tooltechnic's notification, immunity from legal action will commence on 12 March 2018 provided the ACCC does not issue a draft objection notice proposing to prevent the immunity coming into effect.

The ACCC may proceed to remove the immunity provided by an RPM notification where it is satisfied that the likely benefit to the public from the notified conduct will not outweigh the likely detriment to the public from the notified conduct.

A full copy of the RPM notification is available on the ACCC's website [www.acc.gov.au](http://www.acc.gov.au). Alternatively, you can contact Tess Macrae on (03) 9290 1835 to obtain a hard copy of the notification and submission.

## **RPM notification process**

RPM refers to an arrangement where a supplier of goods or services (e.g. a manufacturer or wholesaler) specifies a minimum price below which a reseller must not on-sell, or advertise for sale, those goods or services.

Recent changes to the *Competition and Consumer Act 2010* mean that it is now possible for businesses to obtain protection from legal action for RPM conduct by lodging a notification with the ACCC. Businesses will do this if they consider the public benefits resulting from the proposed conduct are likely to outweigh the public detriments.

Once a notification has been validly lodged with the ACCC, immunity from legal action in respect of the notified conduct commences automatically 28 days after the notification was lodged, unless the ACCC issues a draft objection notice proposing to prevent the immunity coming into effect.

## **Request for submissions**

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements.

Further, the ACCC invites you to outline your general experience of the RPM conduct during the term of the existing authorisation for Festool products. The ACCC would also welcome your views on the public benefits and detriments you consider have actually resulted from the Festool RPM conduct during the existing authorisation.

If you intend to provide a submission in relation to this RPM notification, please do so by **27 February 2018**. Submissions should be emailed to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) with the subject "*RPM20181– Tooltechnic Systems (Aust) Pty Ltd – submission*".

Alternatively, if you would like to provide comments orally, please contact Tess Macrae on (03) 9290 1835 to organise a suitable time.

Submissions, including oral 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](#).

If you are not the appropriate contact person in your company, please provide a contact email address for the appropriate contact person. Please also advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the notification. If you are able to, please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

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 Tess Macrae on (03) 9290 1835 or [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'J Martin', with a long horizontal flourish extending to the right.

Jaime Martin  
Director (Acting)  
Adjudication

## **Tooltechnic Systems (Aust) Pty Ltd – RPM20181 – Interested parties list**

Ablefix Supply Company

Adelaide Tools - Pooraka

Adelaide Tools (various locations)

AGM Fasteners Pty Ltd

Air Electric Power Tools

Alliance Hardware

Alltools Thomastown

Attard Agencies Pty Ltd

Beyond Tools

Black and Decker

Bosche

C & L Tool Centre Pty Ltd

Carba-Tec Pty Ltd (various locations)

Combined Electrical & Workshop Services

F & K Power Tools Pty Ltd

Fremantle Power Tools

Get Tools Direct

Hilti

Hitachi

Huntingdale Power Tools

Ideal Tools

Industrial Power Tool Services

Industrial Tool Specialists

Just Tools

Kingsford Timber Mitre 10

Makita

Metabo

Milwaukee

Mobile Tools

Northern Abrasives & Tools  
Norwest Tool Centre  
Omer Tools Pty Ltd  
Ozito Tools  
Plastering Supplies  
Power Tool Specialists  
Power Tools & Machinery Sales  
Premium Quality Tools : Mobile Van Service  
Rrreal Power Tools  
Specialised Joinery Supplies  
Specialty Fasteners Pty Ltd  
Spinafix Supplies Pty Ltd  
Sydney Tools (various locations)  
The Tool Doctor Pty Ltd  
The Tool House Dandenong  
The Tool Store  
Toolfix Fasteners  
Total Tools (various locations)  
Trecam Abrasives Pty Ltd  
United Tools (various locations)  
VEK Tools (various locations)  
Vijay's Power Tools Pty Ltd  
Village Mowers & Power Tools  
WA Trade Tool Centre  
Werribee Power Tools