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Geoff Carter  
Partner  
MinterEllison

*By email: geoff.carter@minterellison.com*

Dear Mr Carter

**Notification RPM20181 submitted by Tooltechnic Systems (Aust) Pty Ltd — request for further information**

As discussed with Jaime Martin and Tess Macrae, the Australia Competition and Consumer Commission (**ACCC**) is closely assessing Tooltechnic Systems (Aust) Pty Ltd's (**Tooltechnic**) resale price maintenance (**RPM**) notification in relation to its Festool and Fein product ranges. Among other things, the ACCC is reviewing the extent of the public benefits realised under the current Festool RPM authorisation granted to Tooltechnic in 2014. The ACCC is also assessing the extent of any public detriment resulting from the Festool RPM conduct under the existing authorisation.

To assist the ACCC's assessment of the notification, the ACCC requests Tooltechnic to provide the information set out in **Attachment A** by no later than **5pm on 27 April 2018**.

Tooltechnic may make a request to exclude certain information contained in its response from the ACCC's public register (see [Guidelines for excluding information from the public register](#)).

This letter and a redacted version of Attachment A will be placed on the ACCC's public register.

Should you have any queries in relation to this information request, or would like to discuss its scope, please do not hesitate to contact Jaime Martin on (03) 9290 1477 or Tess Macrae on (03) 9290 1835.

Yours sincerely

David Jones  
General Manager  
Adjudication

**Attachment A: ACCC information request – Tooltechnic RPM notification (RPM20181)**

1. Please detail how Tooltechnic monitors Service Requirements that it imposes on its dealers and whether dealers are implementing service improvements under the Festool RPM authorisation [REDACTED]. Please ensure that your response includes (without limitation) information about any instances where Tooltechnic has become aware of a dealer not meeting Tooltechnic's stipulated or expected Service Requirements (other than in relation to MRP) and the actions taken by Tooltechnic against the dealer.
2. Please provide information about complaints received during the Relevant Period by Tooltechnic from dealers alleging that another dealer has failed to meet Tooltechnic's Service Requirements.
3. Please outline what support Tooltechnic has provided, since the implementation of RPM for its Festool range of products, to assist new dealers to offer the Service Requirements and to the standard expected by Tooltechnic. In your response, please provide examples of correspondence provided to new dealers for this purpose. If the support provided is different for each category of dealer, your response should be broken down by dealer category.
4. [REDACTED]
5. For each year of the Relevant Period (where a year is defined as 1 April to 31 March), please provide:
  - a) average annual percentage change in wholesale prices paid by Tooltechnic to Festool Germany for Festool products;
  - b) average annual percentage change in wholesale prices paid to Tooltechnic by dealers for Festool products;
  - c) average annual percentage change in Australian RRP/MRP for Festool products; and
  - d) value of Tooltechnic's Festool wholesale sales to dealers.

Please ensure that the data provided in response to items a) to d) above includes total figures and figures broken down into tools, consumables, accessories and parts categories.
6. Please provide any documents prepared by or for a Director, the board of Directors or any Senior Manager of Tooltechnic that examine or consider the size of or changes to dealer retail margins for Festool products in the Relevant Period, and the Fein product range from July 2015 to present.
7. Please provide a list of all countries in which Festool and/or Fein products are sold and identify whether the products are subject to RPM in each of these countries. Please provide details of any differences in reported or perceived service quality, dealer performance or dealer numbers and sales over time between the countries in which the products are subject to RPM and those countries in which they are not.

*Director* has the same meaning as in section 9 of the *Corporations Act 2001*.

*MRP* means minimum resale price.

*Relevant Period* means the period from April 2012 to the date this letter.

*RPM* means resale price maintenance.

*Senior Management* has the same meaning as in section 9 of the *Corporations Act 2001*.

*Service Requirements* means requirements imposed by Tooltechnic on dealers relating to staff training, quality of customer service/product advice, product range, floor space dedicated to Festool displays, Festool test centre, demonstration events or warranty and repair services and any other aspects of the service provided to customers by retailers.

Please provide the responses to the above data requests in an electronic machine readable format such as Microsoft Excel files or comma-separated value files.