

24 April 2020

Ms Ellie Dwyer
Analyst - Adjudication
Australian Competition and Consumer Commission
Level 17, 2 Lonsdale Street
Melbourne VIC 3000

Dear Ms Dwyer

ACCC interested Party Consultation - MTAA Application for Authorisation

1. Medicines Australia (MA) represents the discovery-driven pharmaceutical industry in Australia. Its members include companies that invent, manufacture and supply innovative medicines and vaccines to the Australian community. On behalf of its members, MA engages with government, the industry, consumer groups and health professionals, including for the purpose of ensuring the continuation of a viable medicines industry and supply to consumers in Australia. The MA secretariat and its member companies contribute experience and expertise through participation in a wide range of activities, including membership of advisory committees and participation in health and industry policy development.
2. I refer to your email of 21 April 2020 attaching the ACCC's letter to interested parties inviting comment in respect of the MTAA's application for authorisation lodged with the Commission on 24 March 2020, as amended on 14 April 2020 (Application).
3. The Application was lodged with the ACCC on behalf of MTAA members and non-members, for the purpose of seeking authorisation to make and give effect to arrangements, and to exchange information for the purpose of facilitating the supply of, and access to, medical technology and supplies necessary for the treatment of COVID-19 patients (Proposed Conduct).
4. MA supports the MTAA, its members and non-members in its Application.
5. The COVID-19 pandemic has introduced unpredictable and exceptional circumstances that has already created situations of acute elevated demand for medical equipment, adjuvant equipment and accessories, and other medical treatments, directly and indirectly resulting from COVID-19.
6. Suppliers face increasing pressure to ensure the supply of essential medical treatment (whether equipment, accessories or medication) that individual suppliers may not be able to meet. MA has identified the risk of supply shortages in essential medicines as a result of COVID-19, for example, from bulk buying behaviour or logistics and supply chain interruptions, that are likely to similarly effect the supply of medical technology and supplies that are subject of the Application.
7. MA believes as a result of its own members' direct experiences in the field of supply of critical medicines that in these unprecedented circumstances suppliers may need temporarily to coordinate their arrangement in the public interest to ensure supply of medical technology and supplies in order to provide timely responses and assistance to relevant government bodies.

8. In MA's view, the Proposed Conduct is necessary in managing the Federal, State and Territory Government's response to COVID-19 and, accordingly, is clearly in the interest of the Australian public. MA also understands that such a measure is both extraordinary and temporary and, as such, any detrimental effect on competition is outweighed by the public benefit of the Proposed Conduct.

Please do not hesitate to contact us for further information.

Yours sincerely,



Elizabeth de Somer
CEO
Medicines Australia