

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Subject: AA1000673 - Application by Coles Group Limited
Date: Friday, 6 December 2024 7:41:55 AM
Attachments: [image001.png](#)

Dear Ms Menon, Ms Black and Ms Craig

We refer to the application for authorisation by Coles Group Limited on behalf of itself and its related bodies corporate, Woolworths Group Limited and its related bodies corporate and ALDI Stores (a Limited Partnership) (together, **the Participants**) (the **Application**). The purpose of this email is to seek a variation of the Application to provide for a revised description of the scope of conduct for which ACCC authorisation is sought.

As the ACCC is aware, the Proposed Conduct is intended to ensure that the Participants can continue to work together to manage and process stockpiled and collected materials and further develop and manage their in-store pilot program. The Participants consider that the Proposed Conduct remains appropriate to achieve these aims. However, following further feedback received from the ACCC, the Participants have proposed some further amendments to the Proposed Conduct to ensure that the conduct is as narrow and specific as possible.

Accordingly, the Participants seek a variation to amend the definition of the Proposed Conduct in the Application as follows:

The Participants seek authorisation for the Participants and any Program Partners in respect of:

- a) **the stockpile remediation plan** to process, store and transport existing stockpiled materials in New South Wales, Victoria, South Australia and Western Australia and/or dispose of such materials in landfill where landfill cannot reasonably be avoided, and/or
- b) **the in-store collection pilot program** to collect, process, store and transport collected materials,

to discuss and share information regarding, and enter into and give effect to, contracts, arrangements and understandings solely in relation to the following activities:

- c. *engagement with third-party recycling and logistics providers (including domestic or overseas providers) including:*
 - i) *undertaking site visits, and*
 - ii) *establishing contract terms with such providers, including establishing service level agreements and formalised audit process,*
- d) *membership terms and conditions and fees for Participants and Program Partners,*
- e) *communications to customers or to the public, including providing recycling directions for soft plastics packaging in respect of the in-store collection pilot program,*
- f) *identifying processing, storage and transport options for stockpiled materials or materials collected for the in-store collection pilot program,*
- g) *collection logistics and end to end management, and expansion of collections of*

materials based on geographic/volume metrics, subject to available processing capacity, for the in-store collection pilot program,

- h) *business models to support cost sharing, including with brands and other retailers, for the in-store collection pilot program,*

only where this conduct occurs at, in preparation for, or arises out of a meeting of the Soft Plastics Taskforce

The Participants consider that this revised description appropriately captures the necessary steps to implement their stockpile remediation plan and the relaunch (and ongoing management) of an in-store soft plastics collection and progressing program in Australia, while balancing the need for specificity.

The Participants also note that the term 'end to end management' referred to in (g) is intended to refer to the activities necessary for the ongoing operation of the in-store pilot, including broader day-to-day management and oversight activities such as store communications, collection and delivery schedules, and liaising with necessary third parties. These activities are necessary to ensure that materials returned from customers through the in-store pilot are able to be collected, transported, processed and analysed efficiently.

The Participants confirm their agreement with this correspondence being uploaded onto the ACCC's public register.

Please do not hesitate to contact us if there are any queries regarding the above.

Kind regards
Shannon

Shannon Hadley
Associate, **Allens**

DL [REDACTED] M [REDACTED]

