

Attachment A – 5 step checklist

5 step checklist for businesses considering collaboration

There are many ways businesses can work together to achieve sustainability objectives without contravening Australian competition law.

This checklist will help businesses to assess whether a proposed collaboration may raise competition concerns.

There are 5 important steps that a business considering collaboration to achieve sustainability objectives can take.

1. Read the ACCC's [Guide on Sustainability collaborations and Australian competition law](#) carefully to better understand the potential effects of the collaboration on competition.
2. Consider the objectives of the proposed collaboration, and whether collaboration is necessary to achieve those objectives.
3. Consider whether the collaboration will impact competition.
 - Will the collaboration involve actual or potential competitors?
 - Will the collaboration affect the way that businesses make decisions in relation to:
 - How prices are set?
 - The quantity and quality of goods and services supplied or purchased?
 - The range of goods and services supplied or purchased?
 - Incentives to improve and innovate?
 - Will the collaboration involve competitors who collectively hold a significant share of the market?
 - Will the collaboration restrict the ability of businesses to enter, exit, or expand in the market?
 - Will any competitively sensitive information be shared between competitors, suppliers or customers?
 - Will the collaboration take place over an extended or unlimited time?
4. If the answer is yes to any part of question 3, or you are unsure, consider seeking legal advice on how Australian competition law may apply.
5. If you think your collaboration might raise competition law concerns, consider the benefits of the proposed collaboration and whether an exemption from Australian competition law may be available.
 - There are three types of exemptions:
 - [authorisation](#), often used by larger businesses or for more complex conduct
 - [notification](#)
 - [class exemption for collective bargaining](#), available for small businesses and is the simplest, fastest process.

Contact the ACCC at exemptions@acc.gov.au if you wish to discuss the availability of these exemptions further. While the ACCC is unable to provide legal advice, we can discuss with you the various options for exemption.