



Our ref: AA1000665
Contact officer: Sophie Magliano
Contact phone: 03 9658 6429

23 Marcus Clarke Street
Canberra ACT 2601
GPO Box 3131
Canberra ACT 2601
tel: (02) 6243 1111

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exemptions@acc.gov.au
www.acc.gov.au

Dear Interested Party

Infant Nutrition Council Limited - application for revocation of authorisation AA1000534 and substitution of AA1000665 – interested party consultation

On 25 March 2024, the Australian Competition and Consumer Commission (the **ACCC**) received an application for revocation and substitution from the Infant Nutrition Council Limited (**Infant Nutrition Council**). This letter is to invite you to comment. You are welcome to pass this letter on to others who may wish to make submissions.

The Infant Nutrition Council is seeking authorisation¹ under the *Competition and Consumer Act 2010* (Cth) to allow current and future manufacturers in, and importers into, Australia of infant formula to continue make and give effect to the Marketing in Australia of Infant Formula: Manufacturers and Importers Agreement (**MAIF Agreement**) and its associated guidelines. The MAIF Agreement is a voluntary self-regulatory code of conduct which governs the marketing of infant formula for infants up to 12 months. It constitutes Australia's application of the World Health Organisation's International Code of Marketing of Breast Milk Substitutes.

The Infant Nutrition Council is seeking authorisation without conditions for 5 years. The MAIF Agreement is currently being reviewed by the Department of Health and Aged Care, and the outcome of that review and any Federal Government response is currently unknown. The Infant Nutrition Council seeks authorisation to allow sufficient time for industry to respond to any Federal Government response before seeking re-authorisation for the MAIF Agreement in the future, and to ensure that a framework remains in place until any alternative regime is introduced.

A full copy of the application for authorisation is available on the ACCC's [authorisations public register](#).

Making a submission

The ACCC invites you to make a submission on the application for authorisation. In making your submission, please provide information, evidence and views about the likely public benefits, effects on competition and any other public detriment that you consider will result from the proposed conduct.

If you intend to provide a submission, please do so by **30 April 2024**. If you wish to request an extension, please contact us on the details below as early as possible. Submissions after the due date (or after any extension granted) may not be taken into account.

¹ For information about Authorisations, please see <https://www.accc.gov.au/business/exemptions/authorisation>

Submissions should be lodged via the web form accessible on the public register page for this matter. Alternatively, if you would like to provide comments orally, please contact Sophie Magliano via the details at the end of this letter.

Your submission **will** be placed on the ACCC's [authorisations public register on the internet](#) unless you have made a request (with reasons) for us to exclude part or all of the submission from the public register. (see [Guidelines for Excluding Information from the Public Register for more information on how to make a request and how we assess requests](#)).

Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information, and an up to date version (including any changes) will be posted on the public register.

Indicative date	Stage in assessment process
25 March 2024	Lodgement of application and supporting submission.
2 April 2024	Public consultation process begins.
30 April 2024	Closing date for submissions from interested parties.
May 2024	Applicant responds to issues raised in the public consultation process.
June/July 2024	Draft determination.
July 2024	Public consultation on draft determination including any conference if called.
September 2024	Final determination.

This letter has been placed on the ACCC's public register. If you have any questions or wish to discuss any aspect of this matter, please do not hesitate to contact Sophie Magliano on 03 9658 6429 or exemptions@acc.gov.au.

Yours sincerely



David Hatfield
Director
Competition Exemptions