



# Application for a revocation of an authorisation for a proposed merger or acquisition

## Guidance in completing your application to the ACCC

To lodge an application, you should include the information, data, documents and evidence outlined in this form (the **application**). Where possible, each question should be answered fully and be substantiated with evidence. If a question is not relevant or where information is not available and cannot be reasonably estimated, you should provide a brief explanation.

The ACCC must not grant the proposed revocation unless it is satisfied that the statutory test is met.<sup>1</sup>

It is an offence to knowingly provide misleading information to the ACCC. Refer to section 137.1 of the *Criminal Code* (Cth) and section 92 of the *Competition and Consumer Act 2010* (Cth) (the Act).

### Key points for lodging your application

- We encourage you to consult the ACCC's Merger Authorisation Guidelines.<sup>2</sup>
- A valid application **must** contain the following:
  - A public version of your application for publication on the public register. You may provide a clearly marked confidential version if you wish to claim confidentiality for parts of your application. All confidentiality claims must be substantiated. The public version must contain sufficient information to enable public consultation on your application.
  - A signed declaration by the applicant acquirer(s) and, if applicable, the target.

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<sup>1</sup> Section 91B(4) and (5). See also the ACCC's *Merger Authorisation Guidelines*, available at <https://www.accc.gov.au/publications/>

<sup>2</sup> Available at <https://www.accc.gov.au/publications/>

## Information

### Applicant acquirer(s)

1. Provide details of the applicant acquirer(s) for revocation of an authorisation, including:
  - 1.1. name, address (registered office), telephone number, ACN or international equivalent
  - 1.2. contact person's name, position, telephone number, and email address
  - 1.3. a description of business activities
  - 1.4. email address for service of documents in Australia.

### Authorisation to be revoked

2. Provide details of the authorisation to be revoked including:
  - 2.1. registration number and date of the authorisation which is to be revoked
  - 2.2. other persons who are a party to the authorisation which is to be revoked
  - 2.3. the basis for the revocation.

### Contact details of relevant market participants

3. Identify and/or provide contact details (phone number and email address) for likely interested parties such as actual or potential competitors, customers and suppliers, trade or industry associations and regulators.

### Additional information

4. Provide any other information or documents you consider relevant to the ACCC's assessment of the application.<sup>3</sup>

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<sup>3</sup> Applicants should consult with the ACCC prior to lodgement to discuss the scope and range of documents needed in the context of the particular matter for which a revocation is sought.

## Declaration by applicant acquirer(s)

Authorised persons of the applicant acquirer(s) must complete the following declaration.

The undersigned declare that, to the best of their knowledge and belief, the information given in response to questions in this form is true, correct and complete, that complete copies of documents required by this form have been supplied, that all estimates are identified as such and are their best estimates of the underlying facts, and that all the opinions expressed are sincere.

The undersigned undertake(s) to advise the ACCC immediately of any material change in circumstances relating to the application.

The undersigned are aware of the provisions of section 92 of the *Competition and Consumer Act 2010* (Cth) and sections 137.1 and 149.1 of the *Criminal Code* (Cth).

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Signature of authorised person

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Office held

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(Print) Name of authorised person

This [insert day] day of [insert month] [insert year]

*Note: If the Applicant is a corporation, state the position occupied in the corporation by the person signing. If signed by a solicitor on behalf of the Applicant, this fact must be stated.*

## Declaration by Target/Vendor

Where the Target/Vendor has supplied information to the Applicant for purposes of preparing this application, authorised representatives of the Target/Vendor must complete the following declaration.

The undersigned declare that, to the best of their knowledge and belief, the information provided to the Applicant for purposes of preparing this application is true and correct.

The undersigned are aware of the provisions of section 92 of the *Competition and Consumer Act 2010* (Cth) and sections 137.1 and 149.1 of the *Criminal Code* (Cth).

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Signature of authorised person

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Office held

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(Print) Name of authorised person

This [insert day] day of [insert month] [insert year]

*Note: If the Target/Vendor is a corporation, state the position occupied in the corporation by the person signing. If signed by a solicitor on behalf of the Target/Vendor, this fact must be stated.*