



Our ref: MA1000018  
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25 July 2019

Liza Carver  
Partner  
Herbert Smith Freehills

By email: Liza.Carver@hsf.com

Dear Liza

### **Application for merger authorisation MA1000018 – A.P. Eagers Limited - Determination**

The Australian Competition and Consumer Commission (the **ACCC**) has issued a determination in respect of the application for authorisation lodged by A.P. Eagers Limited (**AP Eagers**) on 29 April 2019.

AP Eagers sought authorisation to acquire the shares in Automotive Holdings Group Limited (**AHG**) that it did not already own (the **proposed acquisition**).

A copy of the ACCC's determination is attached. For the reasons set out in its determination, the ACCC has decided to grant conditional authorisation of the proposed acquisition for 12 months until 16 August 2020. Authorisation is conditional on AP Eagers complying with the court enforceable undertaking provided pursuant to section 87B of the *Competition and Consumer Act 2010 (Act)* to divest all of its existing new car dealerships and related business sites in the Newcastle and Hunter Valley region.

#### Application for review

Pursuant to section 101 of the *Competition and Consumer Act 2010*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal (the **Tribunal**) for its review of the determination. An application for review must be made within 21 days of the date of the determination; that is, on or before 15 August 2019. If no application to review is lodged by this date, the ACCC's determination will come into force on 16 August 2019.

An application for review of the ACCC's determination should be lodged directly with the Tribunal. The Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the process involved in reviewing decisions in the Tribunal please refer to the Tribunal's website located at <http://www.competitiontribunal.gov.au/>.

This letter will be placed on the ACCC's public register. If you wish to discuss any aspect of this matter please do not hesitate to contact Nigel Vise on 03 9290 1468 or by email at [mergers@acc.gov.au](mailto:mergers@acc.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Tom Leuner', is positioned above the typed name.

Tom Leuner  
General Manager  
Merger Investigations