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Dear Sir or Madam

### **BP Australia Pty Ltd & Ors applications for authorisation A91580, A91581 & A91582— Final determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a determination in respect of the applications for authorisation lodged by BP, Woolworths and BP Resellers (the Applicants) on 28 April 2017.

The Applicants sought authorisation to implement BP's and BP Resellers' participation in the Woolworths Rewards loyalty program and Woolworths shopper docket discount scheme.

For the reasons set out in its determination, the ACCC has decided to grant conditional authorisation for 12 months in respect of certain 'transitional dealings' in the event that BP does not take possession of some Woolworths sites immediately. The ACCC decided to grant conditional authorisation otherwise in respect of the proposed conduct for 10 years.

The ACCC has imposed conditions of authorisation that BP and Woolworths must limit shopper docket and loyalty scheme discounts to no more than 4 cents per litre (in total per fuel purchase). Woolworths is not permitted to fund more than 2 cents of the 4 cent discount.

BP has separately sought informal merger clearance of its proposed acquisition of Woolworths network of service stations. The ACCC's assessment of the proposed rollout of Woolworths' Shopper Docket Discount Scheme and Loyalty Program was conducted separately to its assessment of the proposed acquisition. The authorised conduct would only occur in the event BP acquires Woolworths' network of service stations. The ACCC today announced that it intends to oppose that proposed acquisition.

A copy of the determination is attached.

### **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 this determination; that is, on or before 4 January 2018. If no application to review is lodged by this date, the ACCC's determination will come into force on 5 January 2018.

Any 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 me on (02) 6243 1266 or by email at [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

Yours sincerely

A handwritten signature in blue ink that reads "D. Hatfield". The signature is written in a cursive style with a large initial "D".

David Hatfield  
Director  
Adjudication