



Our ref: AA1000627  
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30 March 2023

By email

Dear Interested Party

### **Coles Group Limited and other participating supermarkets – application for authorisation AA1000627 – draft determination**

The ACCC has issued a draft determination in respect of the application for authorisation lodged by Coles Group Limited itself, Woolworths Group Limited and ALDI Stores (together, the **Participants**) and current and future Program Partners on 16 November 2022.

For the reasons set out in its draft determination, the ACCC is proposing to grant authorisation, with conditions, to allow the Participants and Program Partners to engage in certain conduct in connection with an industry-led taskforce (the **Soft Plastics Taskforce**) created to explore solutions to address the immediate effects of the suspension of REDcycle's return-to-store soft plastics recovery program.

The ACCC proposes to grant authorisation for a period of 12 months as sought by the Participants.

On 25 November 2022, the ACCC granted urgent interim authorisation, with conditions, to allow the Participants and any Program Partners to begin coordinating in connection with the Soft Plastics Taskforce while the ACCC considers the substantive application.

The ACCC is proposing to grant authorisation for conduct similar to that authorised in the interim authorisation subject to some further amendments to the conduct and conditions.

A copy of the ACCC's draft determination is attached and also available on the ACCC's [public register](#).

### **Next steps**

Once the ACCC issues a draft determination, the applicant or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

### **Making a submission**

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **17 April 2023**. Submissions should be emailed to [exemptions@acc.gov.au](mailto:exemptions@acc.gov.au) with the subject '*AA1000627 – Coles Group and others – submission*'. If you prefer to make an oral submission, please contact Penny Bigham via the details at the end of this letter.

The ACCC will consider any submissions it receives, including any oral submissions made at a pre-decision conference (should one be called - see below), and will then release a final determination in relation to this application.

Submissions will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

### Optional pre-decision conference

The applicant or an interested party may request that the ACCC convene a pre-decision conference in relation to its draft determination. If a conference is called it will be open to the applicant and interested parties to attend and make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend, they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination you must notify the ACCC in writing by **17 April 2023** by email to [exemptions@acc.gov.au](mailto:exemptions@acc.gov.au).

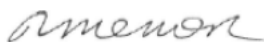
### Timetable

The ACCC will continue to progress its assessment of the application in a timely manner. An updated indicative timetable is set out below for your information.

Indicative date	Stage in assessment process
<b>16 November 2022</b>	Lodgement of application and supporting submission.
<b>25 November 2022</b>	Interim authorisation granted.
<b>28 Nov – 19 Dec 2022</b>	Public consultation
<b>30 March 2023</b>	Draft determination released and public consultation opens.
<b>17 April 2023</b>	Deadline for public consultation on draft determination including any request for pre-decision conference
<b>May 2023</b>	Final determination released.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter please do not hesitate to contact Penny Bigham on (07) 3052 1221 or by email at [exemptions@acc.gov.au](mailto:exemptions@acc.gov.au).

Yours sincerely



Naomi Menon  
Director  
Competition Exemptions