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Our ref: AA1000627
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10 May 2023

Rosannah Healy
Partner
Allens

By email

Dear Ms Healy

Coles Group Limited and other participating supermarkets – application for authorisation AA1000627 – request for extension to be granted under s90(10A)

I refer to the Australian Competition and Consumer Commission's (the **ACCC**) draft determination released on 30 March 2023 in relation to the above listed application for authorisation lodged by Coles Group Limited itself, Woolworths Group Limited and ALDI Stores (together, the **Applicants**) and current and future Program Partners.

As you may be aware, the *Competition and Consumer Act 2010* (the **Act**) provides that if the ACCC does not determine an application for authorisation (other than a merger authorisation) within the relevant period, then it is taken to have granted the application at the end of that period. The relevant period is 6 months beginning on the day the ACCC received the application. Accordingly, the ACCC would have until 16 May 2023 to determine the application.

Section 90(10A) of the Act provides that, if before the end of that six-month period:

- the ACCC has prepared a draft determination under subsection 90A(1) in relation to the application, and
- the ACCC determines in writing that the period is extended by a specified period of not more than six months, and
- the applicant agrees to the period being so extended

the relevant period is that period as so extended.

The purpose of this letter is to advise you that in accordance with subsection 90(10A)(b) of the Act, the ACCC has determined that the relevant period for consideration of the application has been extended until 31 July 2023. The ACCC seeks agreement from the Applicants to the relevant period being so extended.

The ACCC considers that an extension is appropriate to provide sufficient time for the ACCC to consult with interested parties on the Applicants' letter dated 17 March 2023 proposing an amendment to the wording of the proposed conduct as it appears in the draft determination, to consider those submissions and prepare a final determination.

We ask that you please confirm in writing, in response to this letter, that the Applicants agree to the relevant period in relation to application for authorisation AA1000626 being extended to 31 July 2023. I would appreciate receiving the response by no later than 12 May 2023.

A copy of 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 03 9290 1973 or lyn.camilleri@acc.gov.au or Naomi Menon on (02) 9230 9188 or at naomi.menon@acc.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lyn Camilleri', is positioned above the typed name.

Lyn Camilleri
General Manager
Competition Exemptions