



Our ref: AA1000592  
Contact officer: Susie Black  
Contact phone: 02 6243 1055

27 May 2022

Prudence J. Smith  
Partner  
Jones Day

Geoff Carter  
Partner  
MinterEllison

Dear Ms Smith and Mr Carter

**Juno Pharmaceuticals Pty Ltd & Ors applications for authorisation AA1000592 – request for extension to be granted under section 90(10A)**

I refer to the Australian Competition and Consumer Commission's (the **ACCC**) draft determination in relation to the above listed application for authorisation lodged by Juno Pharmaceuticals Pty Ltd (**Juno**), Natco Pharma Ltd (**Natco**), Celgene Corporation and Celgene Pty Ltd (together, **Celgene**) (the **Applicants**), released on 23 March 2022.

As you are aware the *Competition and Consumer Act 2010* (the **Act**) provides that if the ACCC does not determine an application for 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, and in relation to the application lodged by the Applicants ends on 2 June 2022.

Section 90(10A) of the Act provides that the relevant period may be extended where:

- the ACCC has prepared a draft determination under subsection 90A(1) in relation to the application
- 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 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 Applicants' application has been extended by 8 weeks until **29 July 2022**, and to seek agreement from each of the Applicants to the relevant period being so extended.

The ACCC considers that an extension is appropriate to provide additional time for the ACCC to test the material provided by the Applicants and interested parties in post-draft determination submissions (including determining the Applicants' confidentiality requests);

and for the ACCC to request, receive and consider further information it intends to request from the Applicants and other interested parties.

I note that Juno/Natco, in its letter of 26 May 2022, stated that it agrees to an extension of the relevant period until 29 July 2022. Celgene, in its subsequent email dated 26 May 2022, stated that it agrees to the extension to the ACCC's statutory timeframe proposed by Juno/Natco in its letter of 26 May 2022.

We ask that each Applicant confirm in writing, in response to this letter, that it agrees to the relevant period in relation to the Applicant's application being extended to 29 July 2022.

Your response to this request is required by **5pm (AEST) today (27 May 2022)**.

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](mailto:lyn.camilleri@acc.gov.au) or Susie Black on 02 6243 1055 or [Susie.black@acc.gov.au](mailto:Susie.black@acc.gov.au).

Yours sincerely



Lyn Camilleri  
General Manager  
Competition Exemptions