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Our ref: AA1000541
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By email

Dear Sir/Madam

Dalrymple Bay Coal Terminal access holders and access seekers – Application for authorisation to engage in collective negotiation and collective arbitration - AA1000541 – Interim authorisation decision

The Australian Competition and Consumer Commission (the **ACCC**) has decided to grant conditional interim authorisation in respect of the application for authorisation AA1000541, lodged on 21 December 2020 by 13 coal mining or coal project development companies (the **Applicants**) to commence collective negotiation and potentially engage in collective arbitration with Dalrymple Bay Infrastructure Management Pty Ltd (**DBIM**) regarding the terms and conditions of access to the Dalrymple Bay Coal Terminal.

Interim authorisation is granted subject to the Applicants notifying the ACCC of additional participants such as the Applicants' successors, assignees, related bodies corporate and joint venture participants before these parties engage in the proposed conduct.

A copy of the ACCC decision is attached and available on the [ACCC Public Register](#).

Interim authorisation protects the arrangements for which authorisation is sought from legal action under the relevant provisions of the *Competition and Consumer Act 2010* while the ACCC considers and evaluates the merits of the application.

Interim authorisation does not extend to the Applicants entering into, or giving effect to, collectively negotiated agreements or for the Applicants to engage in collective boycott activity.

Interim authorisation commences immediately and remains in place until it is revoked, the date the ACCC's final determination comes into effect or the date on which the application for authorisation is withdrawn.

Next steps

For your information, the next step in the process is for the ACCC to release a draft determination which will take account of any submissions from the Applicants and interested parties and will indicate the ACCC's preliminary views on the merits of the application. The ACCC will give both the Applicants and interested parties the opportunity to provide a further submission on the draft determination before the ACCC issues its final decision.

As noted in the attached decision, the ACCC may review its decision on interim authorisation at any time. The ACCC's decision in relation to interim authorisation should not be taken to be indicative of whether or not final authorisation will be granted by the ACCC.

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 Simon Bell on 02 6243 1232.

Yours sincerely

A handwritten signature in blue ink, appearing to read "D Hatfield".

David Hatfield
Director
Competition Exemptions