



Our ref: AA1000579  
Contact officer: Sophie Mitchell  
Contact phone: 02 9230 3843

23 Marcus Clarke Street  
Canberra ACT 2601  
GPO Box 3131  
Canberra ACT 2601  
tel: (02) 6243 1111

1 October 2021

exemptions@acc.gov.au  
www.acc.gov.au

Dear Sir/Madam

**Medicines Australia application for revocation of authorisation AA1000486 and substitution of AA1000579 – Interim authorisation decision and interested party consultation**

On 17 September 2021, the Australian Competition and Consumer Commission (the **ACCC**) received an application for re-authorisation from Medicines Australia (revocation and substitution). This letter is to invite you to comment. You are welcome to pass this letter on to others who may wish to make submissions.

Medicines Australia is seeking re-authorisation<sup>1</sup> under the *Competition and Consumer Act 2010* (Cth) on behalf of itself and its members, the Generic and Biosimilar Medicines Association and its members, and other entities that have been or in the future will be notified by Medicines Australia to the ACCC (the **MA/GBMA Working Group**). Re-authorisation would give the MA/GBMA Working Group legal protection from competition laws to continue to implement a coordinated strategy in relation to the supply of essential medicines and related supplies in response to the current COVID-19 pandemic (the **Proposed Conduct**).

The ACCC previously authorised similar conduct in 2020. The current application for re-authorisation was lodged because the previous authorisation was due to expire on 30 September 2021. The previous authorisation also allowed MA/GBMA Working Group members to work together in responding to current or future tenders or requests for supply of essential medicines and related supplies by Federal and State Governments. Re-authorisation has not been sought for this conduct.

Medicines Australia has sought authorisation for a further 12 months from the date of the final determination. A full copy of the application for re-authorisation is available on the ACCC's [authorisations public register](#).

Because the 2020 authorisation was due to expire on 30 September 2021, Medicines Australia also sought interim authorisation to allow the Proposed Conduct to continue while the ACCC considers the application for re-authorisation.

On 29 September 2021, the ACCC granted interim authorisation for the Proposed Conduct with a condition. The condition, which is similar to that imposed when the arrangements were authorised in 2020, requires that Medicines Australia report to the ACCC regarding any meeting, discussion, development or decision between MA/GBMA Working Group members in relation to the Proposed Conduct. Medicines Australia must provide the report on a

---

<sup>1</sup> For information about Authorisations, please see <https://www.accc.gov.au/business/exemptions/authorisation>

monthly basis or within 5 business days of any meeting, discussion, development or decision of MA/GBMA Working Group members. The condition in the previous authorisation required fortnightly reporting.

A copy of the ACCC's interim authorisation decision is also available on the ACCC's [authorisations public register](#).

## Making a submission

The ACCC invites you to make a submission on the application for re-authorisation. In making your submission, please provide information, evidence and views about the likely public benefits, effects on competition and any other public detriment that you consider will result from the Proposed Conduct.

If you intend to provide a submission, please do so by **22 October 2021**. If you wish to request an extension, please contact us on the details below as early as possible. Submissions after the due date (or after any extension granted) may not be taken into account.

Please email your submission to [exemptions@acc.gov.au](mailto:exemptions@acc.gov.au), with the subject 'AA1000579 – Medicines Australia – submission'. Alternatively, if you would like to provide comments orally, please contact Sophie Mitchell via the details at the end of this letter.

Your submission **will** be placed on the ACCC's [authorisations public register on the internet](#) unless you have made a request (with reasons) for us to exclude part or all of the submission from the public register. See [Guidelines for Excluding Information from the Public Register](#) for more information on how to make a request and how we assess requests.

## Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information, and an up to date version (including any changes) will be posted on the public register.

Indicative date	Stage in assessment process
<b>17 September 2021</b>	Lodgement of application and supporting submission.
<b>29 September 2021</b>	ACCC decision regarding interim authorisation.
<b>1 October 2021</b>	Consultation on the application commences.
<b>22 October 2021</b>	Closing date for submissions.
<b>12 November 2021</b>	Applicant responds to issues raised in the public consultation process.
<b>November/December 2021</b>	ACCC draft determination.
<b>December 2021</b>	Public consultation on draft determination.
<b>February 2022</b>	ACCC final determination.

This letter has been placed on the ACCC's public register. If you have any questions or wish to discuss any aspect of this matter, please do not hesitate to contact Sophie Mitchell on 02 9230 3842 or [exemptions@acc.gov.au](mailto:exemptions@acc.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'G Jones', with a long horizontal flourish extending to the right.

Gavin Jones  
Director  
Competition Exemptions

