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Our ref: AA1000598
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22/12/2021

By email

Dear Sir/Madam

Brenntag Australia – Application for authorisation AA1000598 – Interim authorisation decision and interested party consultation

The Australian Competition and Consumer Commission (the **ACCC**) has received an application for authorisation from Brenntag Australia (the **Applicants**). This letter is to invite you to comment. You are welcome to pass this letter on to others who may wish to make submissions.

Brenntag Australia seeks authorisation on behalf of themselves and other AdBlue manufacturers named in the application (together, the **Participants**) to collaborate to obtain supply of refined urea to ensure sufficient supply of AdBlue (diesel exhaust fluid) and to enable prioritised distribution of refined urea should shortages emerge (the **Proposed Conduct**). Refined urea is an essential input in the manufacture of AdBlue, which is an exhaust system additive used in diesel engines to control noxious emissions.

Brenntag Australia is seeking authorisation until 1 December 2022. A full copy of the application for authorisation is available on the ACCC's [authorisations public register](#).

Interim authorisation

The ACCC has also granted interim authorisation to enable the Participants to engage in the above conduct immediately.

Interim authorisation is also granted for any other relevant party who may wish to participate in the arrangements in the future and has notified the ACCC in writing (**Other Participants**), per the procedure set out below.

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.

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

As detailed at paragraph 27 of the interim authorisation decision, industry coordination can only occur with the oversight of the Federal Government.

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the date the ACCC's final determination comes into effect or the date on which the application for authorisation is withdrawn.

Participating in the conduct

It is open to other relevant parties to participate in the Proposed Conduct under the interim authorisation decision.

In order to become an Other Participant and therefore receive the protection of the Interim Authorisation Decision, parties must notify the ACCC in writing by sending an email to exemptions@acc.gov.au with the subject '*Authorisation AA1000598 – request to be covered by authorisation*', identifying the new entity(ies) that wish to be covered, detailing the type(s) of conduct covered by the interim authorisation that those entities propose to engage in and the reasons they wish to do so. Once an entity notifies the ACCC, that entity will have the protection of the interim authorisation to engage in the conduct notified.

Please also copy the and Department of Industry, Science, Energy and Resources (CC'd via manufacturing@industry.gov.au) when notifying the ACCC.

Making a submission

The ACCC invites you to make a submission on the substantive application for 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 **21 January 2022**. 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, with the subject '*AA1000598 – Brenntag Australia – submission*'. Alternatively, if you would like to provide comments orally, please contact Miriam Kolacz 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 |
|----------------------------|--|
| 21 December 2021 | Lodgement of application. |
| 22 December 2021 | ACCC decision regarding interim authorisation. |
| 21 January 2022 | Closing date for submissions on substantive application. |
| February 2022 | Applicant responds to issues raised in the public consultation process. |
| February/March 2022 | Draft determination. |
| March 2022 | Public consultation on draft determination including any conference if called. |
| March/April 2022 | Final determination. |

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 Gemma Smith on (03) 9290 1405 or email exemptions@acc.gov.au and CC miriam.kolacz@acc.gov.au and gemma.smith@acc.gov.au

Yours sincerely

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

Gavin Jones
Director
Competition Exemptions