



Our ref: RPN10000461  
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16 November 2023

**Sent via email**

Dear Sir / Madam

**Re: Graco Australia Pty Ltd resale price maintenance notification - ACCC Notice**

The Australian Competition and Consumer Commission (the ACCC) has released a Notice in relation to the resale price maintenance (**RPM**) notification lodged by Graco Australia Pty Ltd (**Graco Australia**) on 21 March 2023 for its airless and air assisted paint sprayers, ranging from entry-level to professional trade products (the **Notified Products**).

The ACCC's Notice revokes the legal protection provided by Graco Australia's notification. The legal protection from Graco Australia's notification ceases on the 31<sup>st</sup> day after the date of the Notice – that is, on 17 December 2023.

The notification, if allowed to stand, would have allowed Graco Australia to set a minimum advertised price below which Graco distributors could not advertise to sell its airless and air-assisted paint sprayers with some exceptions – for example, distributors could still discount prices in store or offer discounts to trade customers through contractor accounts.

**The ACCC's Notice**

A copy of the Notice is enclosed and is also available from the ACCC's [RPM notifications public register](#).

**Australian Competition Tribunal**

Pursuant to section 101A of the *Competition and Consumer Act 2010*, a person dissatisfied with this Notice may apply to the Australian Competition Tribunal for its review.

An application for review with the Tribunal must be made within 21 days of the ACCC issuing this Notice; that is, on or before 7 December 2023.

An application for a review of the ACCC's Notice should be lodged directly with the Tribunal, which is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the process involved in reviewing decisions in the Tribunal please refer to the Tribunal's website located at <http://www.competitiontribunal.gov.au/>

If you wish to discuss any aspect of this matter, please contact Jaime Martin on 03 9290 1477 or by email at [exemptions@acc.gov.au](mailto:exemptions@acc.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'David Hatfield', is positioned above the typed name.

David Hatfield  
Director  
Competition Exemptions