



23 Marcus Clarke Street
Canberra ACT 2601

Our ref: AA1000486
Contact officer: Ellie Dwyer
Contact phone: 03 9290 1874

GPO Box 3131
Canberra ACT 2601
tel: (02) 6243 1111

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adjudication@acc.gov.au
www.acc.gov.au

Dear Interested Party

Medicines Australia's application for authorisation AA1000486—interim authorisation decision and interested party consultation

On 27 March 2020, the Australian Competition and Consumer Commission (the **ACCC**) received an application for authorisation from Medicines Australia (**MA**).

The application for authorisation

The Application was lodged on behalf of MA and its members, and the Generic and Biosimilar Medicines Association and its members, (together, **the Applicants**) to implement a coordinated strategy in relation to the supply of essential medicines and related supplies in response to the current COVID-19 pandemic. In particular, the coordinated strategy relates to the supply of:

- prescription-only medicines that are critical to patient health, including medicines used to treat patients suffering from symptoms of COVID-19 (**Critical Medicines**); and
- devices or services that are supplied or administered with Critical Medicines,

to address shortages in the supply of Critical Medicines and relevant devices that arise as a result of COVID-19 (the **Proposed Conduct**). Critical Medicines, and the devices or services that are supplied or administered with them, are not limited to those used for the testing or treatment of COVID-19.

The Applicants have sought interim authorisation for the Proposed Conduct, as well as authorisation for a period of six months from the date of the final determination. A copy of the application for authorisation is available on the [ACCC's Public Register](#).

On 3 April 2020, the ACCC granted interim authorisation for the Proposed Conduct. The interim authorisation enables the Applicants to immediately engage in the Proposed Conduct while the ACCC progresses its determination. The interim authorisation is subject to a condition that MA regularly update the ACCC regarding any material developments in relation to the Proposed Conduct as the COVID-19 situation evolves.

A copy of the ACCC's interim authorisation decision, which contains more detail on the Proposed Conduct and on the condition requiring MA to regularly update the ACCC, is also available on the [ACCC's Public Register](#).

Submissions

The ACCC is now conducting a public consultation process on the Proposed Conduct authorised in its interim authorisation decision, and on the substantive application for final authorisation, and invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the Proposed Conduct.

We recognise that the COVID-19 situation may be causing disruptions to your normal operations. For this reason we are taking a flexible approach to receiving feedback on the Proposed Conduct. We will accept written submissions at any time up until **27 April 2020**, however you may wish to contact us by phone to discuss your views before this deadline.

If you wish to provide a submission please do so by email to adjudication@acc.gov.au with the subject '*Medicines Australia- AA1000486*'. Alternatively, if you would like to provide comments orally, please contact Ellie Dwyer on 03 9290 1874 to organise a suitable time.

Submissions, including a record of oral submissions, will be placed on the [ACCC's public register](#) subject to any request for exclusion (see the [ACCC guidelines](#) for more information).

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application at the draft and final determination stages. If you are able to please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.


Timetable

An indicative timetable is below. This timetable is subject to change. The most up to date indicative timetable is available on the [ACCC's public register](#).

27 March 2020	Lodgement of application, including request for interim authorisation
3 April 2020	ACCC decision on interim authorisation
6 April 2020	Public consultation process begins
27 April 2020	Closing date for submissions
18 May 2020	Applicant responds to issues raised in the public consultation process
June/July 2020	Draft determination
July/August 2020	Public consultation on draft determination including any conference if called
September 2020	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 Ellie Dwyer on 03 9290 1874 or by email at adjudication@acc.gov.au.

Yours sincerely



Joe Saunders
Director
Adjudication