



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2008/566
Contact Officer: Lauren Roy
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12 June 2008

Dear Sir/Madam

**Exclusive dealing notification N93365 lodged by eBay International AG
- draft notice to revoke**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft notice in respect of the exclusive dealing notification N93365 lodged by eBay on 11 April 2008. Reasons for the decision are outlined in the attached document.

Draft notice

For the reasons set out in its draft notice, the ACCC proposes to revoke the immunity provided by the exclusive dealing notification N93365 lodged by eBay International AG. The ACCC's assessment is set out in chapter five.

Next steps

Once the ACCC issues a draft notice, the notifying party or any interested party may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft notice. A pre-decision conference is a public meeting to which all parties that may have an interest regarding the notification are invited. Conferences are conducted informally, without the participation of legal or other professional advisers.

If you wish the ACCC to hold a pre-decision conference in relation to the draft notice, you must notify the ACCC in writing by **cob 26 June 2008**. Please note that the Act does not allow the ACCC to extend this deadline.

Alternatively, you are invited to make a written submission in response to the ACCC's draft notice. Submissions should be lodged by **cob 3 July 2008**.

The ACCC will consider any submissions it receives, including any oral submissions made should a conference in relation to the draft notice be called, in deciding whether or not to issue a final notice revoking eBay's exclusive dealing notification.

Submissions will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

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 Lauren Roy on (02) 6243 4940 or Shane Chisholm on (02) 6243 1252.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R Chadwick', with a long horizontal flourish extending to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch