

**Commerce Commission**  
New Zealand

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Dear Keston and Marette

**GROCERY MARKET STUDY – CLARIFICATIONS FOR SESSION 4 – CODES**

*Code – question for the Majors – what changes need to be made from AU / UK for NZ?*

1. On 26 October 2021 we understood the Majors to say that they accept a mandatory code of conduct, independently adjudicated/governed. We also heard Woolworths say that the Australian approach was a good start and both were also broadly comfortable with the UK approach. However we also heard suggestions to the effect that a long consultation would need to be followed to make this New Zealand specific.
2. NZFGC is not clear what, if any, changes they are suggesting.
3. NZFGC is, however, concerned that this lead to further unnecessary delays. Particularly when, for example, the approaches in both (although perhaps more clearly in the UK) are principles based.
4. ***On behalf of NZFGC we ask the Commission to formally request the Majors to clarify what they would change. If not today, then perhaps one of the 'spare' sessions? Failing that we submit this should be clarified before cross-submissions.***
5. Equally, we will follow up ASAP to clarify NZFGC's position on Structural separation of Private Label.

Yours faithfully  
**MATTHEWS LAW**



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