



## Notification Waiver Determination

### Premier Fresh – Charles Domenico Group

<b>Acquisition</b>	Premier Fresh Australia Pty Ltd ( <b>Premier Fresh</b> ) applied for a notification waiver in respect of its proposed acquisition of 100% of the shares in North Queensland IQF Pty Ltd and Double D Produce Pty Ltd (collectively, the <b>Domenico Group</b> ), as well as the business, land and assets owned and operated by the Domenico Group, as described in the transaction documents provided as part of the application (the <b>Acquisition</b> ).
<b>Determination</b>	The Australian Competition and Consumer Commission has determined under section 51ABV(1)(b) of the <i>Competition and Consumer Act 2010</i> (Cth) not to make the notification waiver determination applied for.
<b>Date of determination</b>	12 March 2026

<b>Parties to the Acquisition</b>	<p>The acquirer, Premier Fresh, is a horticulture marketer and supply chain operator that operates across a number of fruit and vegetable supply lines, including capsicums. Premier Fresh, through its related entities, has had a long-standing commercial relationship with the Domenico Group, with Premier Fresh historically purchasing and marketing a majority of the Domenico Group's seasonal capsicum production under a marketing agreement.</p> <p>The target, the Domenico Group, and the vendor, Carmelo De Domenico and C.A. De Domenico Pty Ltd, are involved in the growing, packing and value add processing for capsicums located in Queensland.</p> <p>Premier Fresh and the Domenico Group overlap in the supply of capsicums in Australia.</p>
<b>Explanation for determination</b>	<p>In making this notification waiver determination, the Australian Competition and Consumer Commission (<b>ACCC</b>) has considered the information provided with the notification waiver application and had regard to the factors in section 51ABV(2)(b) of the Act.</p> <p>Based on the information provided in the application, the ACCC considers that, if the Acquisition were put into effect, the notification thresholds would be met.</p> <p>The ACCC is unable to reach a view that the Acquisition would not be likely to raise competition issues in any market based on the information provided in the application. It considers that the Acquisition warrants consideration through the notification process, including further information gathering and consultation with third parties. This may include a focus on:</p> <ol style="list-style-type: none"><li>a. the extent of horizontal competitive overlap and the nature of the vertical relationship between Premier Fresh and the</li></ol>

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	<p>Domenico Group in the production and supply of capsicums in Australia is unclear based on the application</p> <ul style="list-style-type: none"><li>b. the potential for foreclosure, noting that Premier Fresh is one of the largest horticultural wholesalers.</li><li>c. the geographic dimensions of the markets</li><li>d. the extent to which the parties are likely to be constrained by alternative producers and suppliers of capsicums in Australia.</li></ul> <p>Given the above, the ACCC has determined not to make the notification waiver determination applied for.</p> <p>The ACCC considers that the determination is consistent with the object of the Act and the interests of consumers in promoting competition.</p> <p>For more information about the ACCC's approach to considering notification waiver applications and to assessing competition effects more generally, see the ACCC's <a href="#">interim guidance on notification waivers</a> and <a href="#">merger assessment guidelines</a>.</p>
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**Determination made by a division of the Commission constituted by a direction issued pursuant to section 19 of the Act**