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Aldi changes regarding contracted ready dates

Background

The Australian Food and Grocery Council (AFGC) is aware that a number of companies received a letter from Aldi Stores (Australia) regarding changes to details around contracted ready dates. The letter stated that from 1 September 2019 where cargo ready dates are not met due to supplier failure, Aldi will raise invoices to 'recover any additional freight, transfer, administration and labour costs incurred by Aldi'.

The letter was dated 23 August 2019, however, the AFGC understands that most suppliers did not receive the letter until late at night on 27 August 2019.

Aldi Stores (Australia) is a signatory to the Food and Grocery Code of Conduct (FGCC).

Issue for members

Members who have received this letter should reflect on its implications to your business and review clause 9 of the FGCC regarding unilateral variations of agreement. In particular, members may wish to consider:

- Whether your grocery supply agreements (which encompasses all trading documents) expressly provides for Aldi to make this variation,
- Whether the variation is consistent with the terms for variation outlined in your grocery supply agreement, and
- Whether the notice period of between five and nine days is reasonable.

Contact

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