



COMPETITION APPEAL TRIBUNAL

NOTICE OF APPEAL UNDER SECTION 47 OF THE COMPETITION ACT 1998

CASE NO 1017/2/1/03

Pursuant to Rule 15 of the Competition Appeal Tribunal Rules 2003 (“the Rules”), the Registrar of the Competition Appeal Tribunal gives notice of the receipt of a notice of appeal, dated 15 July 2003, under section 47 of the Competition Act 1998 (“the Act”) by Campbell Distillers Limited (“the appellant”) of 3 Lampton Road, Hounslow, TW3 1HY in respect of a decision made by the Office of Fair Trading (“the OFT”) and notified to the appellant by letter of 15 May 2003 (“the Contested Decision”).

The appellant alleges that by the Contested Decision the OFT refused to withdraw or vary its decision notified to the appellant on 30 January 2003 (“the Relevant Decision”) to close its investigation into the suspected abuse of a dominant position contrary to the Chapter II prohibition of the Act by Bacardi and Co Limited (“Bacardi”) in the supply of light rum for on-sale in the United Kingdom. The Relevant Decision was taken according to the appellant upon the OFT accepting, on 28 January 2003, assurances from Bacardi as to its future conduct (“the Assurances”) and found that Bacardi’s conduct in the periods before and after 28 January did not infringe the Chapter II prohibition of the Act.

The appellant seeks the following relief:

1. that the Contested Decision in relation to the period before 28 January 2003 be set aside;
2. that the Contested Decision in relation to the period after 28 January 2003 be set aside;
3. that the substantive issues raised by the appeal are remitted to the OFT for further consideration and decision;
4. that the OFT pay the appellant’s costs.

In summary the principal grounds on which the appellant relies are that the OFT:

1. has made an appealable decision under the Act, namely a decision that there is no infringement of the Chapter II prohibition;
2. gave inadequate reasons for the decision;
3. accepted the Assurances that do not address the competition problem;
4. failed to consult the appellant;
5. unlawfully fettered its discretion in dealing with future infringements by Bacardi.

Any person who considers that he has sufficient interest in the outcome of the proceedings may make a request for permission to intervene in the proceedings, in accordance with Rule 16 of the Rules.

A request for permission to intervene should be sent to the Registrar, The Competition Appeal Tribunal, New Court, 48 Carey Street, London WC2A 3BZ, so that it is received within **three weeks** of the publication of this notice.

Further details concerning the procedures of the Competition Appeal Tribunal can be found on its website at www.catribunal.org.uk. Alternatively the Tribunal Registry can be contacted by post at the above address or by telephone (020 7271 0395) or fax (020 7271 0281). Please quote the case number mentioned above in all communications.

Charles Dhanowa
Registrar

21 July 2003