



COMPETITION APPEAL TRIBUNAL

NOTICE OF APPEAL UNDER SECTION 46 OF THE COMPETITION ACT 1998 CASE NO 1020/1/1/03

Pursuant to rule 15 of the Competition Appeal Tribunal Rules 2003 (“the Rules”), the Registrar gives notice of the receipt of an appeal, dated 1 October 2003, under section 46 of the Competition Act 1998 (“the Act”) by Manchester United Plc of Sir Matt Busby Way, Old Trafford, Manchester, M16 0RA (“the appellant”) in respect of a decision (CP/0871/01) taken by the Office of Fair Trading (“the OFT”) and notified to the appellant on 1 August 2003, (“the Decision”).

The text of the Decision can be found on the OFT website at www.offt.uk.

In the Decision the OFT decided that the appellant had infringed section 2 (‘the Chapter I prohibition’) of the Act, by finding that the appellant was party to an agreement with a number of sportswear retailers and Umbro Holdings Limited with respect to the retail price to be charged for Manchester United home replica shirts. For its infringement of the Chapter I prohibition the OFT imposed a penalty of £1.652 million on the appellant.

The appellant contends that the Decision:

- was wrong in law and/or in fact as regards the definition of “relevant turnover” for the purpose of calculating the basic amount of the penalty;
- was wrong in law and/or in the exercise of the OFT’s discretion in arriving at the basic amount, having regard to the percentage of turnover applied, the approach to duration and the multiplier for deterrence, and the overall result of those factors; and
- was wrong in fact and/or in the exercise of the OFT’s discretion in increasing the basic amount by 10% by reference to the appellant’s non-adherence to its compliance programme; on the contrary, the introduction of that programme should have been a ground for a reduction of the basic amount.

On this basis the appellant submits that:

- the Decision should be varied by substituting a lower penalty; and
- the appellant’s costs of the appeal should be paid by the OFT.

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
8 October 2003