



COMPETITION APPEAL TRIBUNAL

**NOTICE OF APPEAL UNDER SECTION 47 OF THE COMPETITION ACT 1998
CASE NO 1073/2/1/06**

Pursuant to an Order of the President dated 9 January 2007, the Registrar gives notice of the receipt of a revised notice of appeal under section 47 of the Competition Act 1998 (“the Act”), filed on 23 November 2006, pursuant to the Order of 26 October 2006 and following the handing down of the Tribunal’s judgment [2006] CAT 28, by Mr Terry Brannigan (formerly a sole trader trading as Brannigan Publishing) (“the appellant”), of 119 Long Beach View, Eastbourne BN23 5NB, in respect of a non-infringement decision taken by the Office of Fair Trading (“the OFT”) and set out in its letter of 9 June 2006 and in its associated correspondence with Mr Brannigan (“the Decision”). The Decision related to and rejected Mr Brannigan’s complaint of alleged infringements by Newsquest (Sussex) Limited (“Newsquest”) and Johnston Press Limited (“Johnston”) of section 2 of the Act prohibiting agreements which prevent or restrict competition (“the Chapter I prohibition”) and section 18 of the Act prohibiting an abuse of a dominant position in a market (“the Chapter II prohibition”).

The grounds of appeal on which the appellant relies are set out in a revised notice of appeal, published without annexes on the Tribunal website: www.catribunal.org.uk.

The appellant requests the Tribunal to:

- set aside the Decision on the grounds that the OFT unlawfully failed to provide the appellant with an opportunity to comment on its findings before the Decision was published; and/or
- substitute an infringement decision for the OFT’s (non-infringement) Decision under Chapter I and/or Chapter II of the Act; and/or
- remit the matter to the OFT for such further investigation and such further decision as it may deem necessary.

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, Victoria House, Bloomsbury Place, London, WC1A 2EB, so that it is received by 22 January 2007.

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 7979 7979) or fax (020 7979 7978). Please quote the case number mentioned above in all communications.

Charles Dhanowa

Registrar
9 January 2007