



COMPETITION APPEAL TRIBUNAL

**NOTICE OF APPEAL UNDER SECTION 47 OF THE COMPETITION ACT 1998  
CASE NO 1071/2/1/06**

Pursuant to rule 15 of the Competition Appeal Tribunal Rules 2003 (“the Rules”), the Registrar gives notice of the receipt of an appeal on 23 August 2006, under section 47 of the Competition Act 1998 (“the Act”), by Cityhook Limited (“the appellant”), of 64 Adam & Eve Mews, London W8 6UJ, in respect of a decision (“the Decision”) dated 23 June 2006 taken by the Office of Fair Trading (“the OFT”) to close its investigation into:

- (i) an alleged collective boycott of the appellant and Cityhook (Cornwall) Limited in relation to its submarine telecommunications cable landing technology by the United Kingdom Cable Protection Committee (UKCPC) and/or certain of its members; and
- (ii) the alleged collective setting by the UKCPC and certain of its members of “wayleave” fees required for landing cables on land owned by, inter alia, The Crown Estate and the Duchy of Cornwall,

on the basis that the investigation no longer constitutes an administrative priority.

In the notice of appeal the appellant makes the following submissions:

- (a) the OFT erred in making its decision not to continue with its investigation. The OFT did not properly apply its six “prioritisation criteria” to the facts available to it. Moreover, the decision is inconsistent with the conclusions of the OFT case team and is contrary to the conclusions of previous senior management.
- (b) In any event, the OFT’s decision is unjust, perverse and contrary to the statutory purpose of the Act.

The appellant requests that the Tribunal either order that the OFT continue its investigation and issue a statement of objections, which the appellant states has already been prepared in draft form, or review the draft statement of objections and consider whether it may issue a final decision in relation to the alleged cartel.

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 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](http://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  
31 August 2006