



COMPETITION APPEAL TRIBUNAL

SUMMARY OF APPLICATION UNDER SECTION 120 OF THE ENTERPRISE ACT 2002 CASE No: 1116/4/8/09

Pursuant to rules 15 and 25 of the Competition Appeal Tribunal Rules 2003 (S.I. No. 1372 of 2003) ("the Rules"), the Registrar of the Competition Appeal Tribunal gives notice of the receipt of a notice of application, on 18 November 2009, under section 120 of the Enterprise Act 2002 ("the Act"), by Sports Direct International plc ("Sports Direct") of Unit A, Brook Park East, Shirebrook, NG20 8RY for a review of a decision of the Competition Commission ("the Commission"), contained in a letter dated 16 November 2009, to redact key information from working papers sent to Sports Direct ("the Decision") during an investigation of the completed acquisition by Sports Direct of 30 stores formerly owned by JJB Sports plc ("the Acquisition")¹.

In summary, the principal grounds of review on which Sports Direct relies are that:

1. The Commission's decision to excise key parts of the information is unfair and restricts Sports Direct's ability to comment on the working papers and its right of defence. Sports Direct considers that the redactions seriously prejudice its ability to know, consider, and analyse the evidence and assess and respond to the analysis of and conclusions drawn from that evidence by the Commission, because the redactions prevent it from doing so. The redactions prevent Sports Direct from being able to make submissions on the most central issues in the Commission's merger analysis.
2. The Commission has failed to apply the correct test and thus failed to carry out the analysis which the Act requires it to carry out in considering whether to disclose the excised material.
3. The Commission is wrong to state that Sports Direct should wait until the Commission publishes its provisional findings.

Accordingly, Sports Direct seeks an Order from the Tribunal to the effect that:

1. The Decision is declared unlawful and quashed;
2. The Commission is directed to provide Sports Direct with unredacted copies of the working papers and the documents and evidence underlying the unredacted material;
3. The Commission is directed to give Sports Direct a minimum of two weeks from receipt in which to consider that material and comment on it, both in writing and at an oral hearing;
4. The Commission is to pay Sports Direct's costs of the application, to be assessed if not agreed.

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.

¹ <http://www.competition-commission.org.uk/inquiries/ref2009/jjb/index.htm>

Any requests 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 9.30am on 20 November 2009.

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 OBE
Registrar

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