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2 on the Tribunal Website for readers to see how matters were conducted at the public hearing of these proceedings and is not to be relied on or  
3 cited in the context of any other proceedings. The Tribunal's judgment in this matter will be the final and definitive record.

4 **IN THE COMPETITION**

Case No. 1071/2/1/06

5 **APPEAL TRIBUNAL**

6  
7 Victoria House  
8 Bloomsbury Place  
9 London WC1A.2EB

10 3 April 2007

11  
12 Before:  
13 MARION SIMMONS QC  
14 (Chairman)

15  
16 Sitting as a Tribunal in England and Wales

17  
18  
19 BETWEEN:

20  
21 **CITYHOOK LIMITED**

Appellant

22  
23 -v-

24  
25 **OFFICE OF FAIR TRADING**

Respondent

26  
27 and

28  
29 **ALCATEL SUBMARINE NETWORKS LIMITED**  
30 **BRITISH TELECOMMUNICATIONS PLC**  
31 **CABLE & WIRELESS PLC**  
32 **GC PAN EUROPEAN CROSSING UK LIMITED**  
33 **GLOBAL CROSSING EUROPE LIMITED**  
34 **GLOBAL MARINE SYSTEMS LIMITED**  
35 **NTL GROUP LIMITED**  
36 **TYCO TELECOMMUNICATIONS (US) INC**

Interveners

37  
38  
39  
40 Transcribed from the Shorthand notes of  
41 Beverley F. Nunnery & Co.  
42 Official Shorthand Writers and Tape Transcribers  
43 Quality House, Quality Court, Chancery Lane, London WC2A 1HP  
44 Tel: 020 7831 5627 Fax: 020 7831 7737  
45

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48 **PROCEEDINGS AFTER**  
49 **JUDGMENT HANDED DOWN**  
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1  
2 THE CHAIRMAN: I am now handing down the Tribunal judgment in the case of *Cityhook v. Office*  
3 *of Fair Trading*. For the reasons given in the judgment the Tribunal unanimously finds that the  
4 appeal should be dismissed on the ground that the Tribunal does not have jurisdiction under  
5 sections 46 and 47 of the Competition Act 1998 to entertain it. The judgment will be publicly  
6 available on the Tribunal website later today.

7           Although I am sitting alone today, the other members have asked me to make the  
8 following remarks on the matter of costs. The provisional view of the Tribunal is that it is  
9 appropriate in this case for there to be no order as to costs. Whilst the result of these  
10 proceedings is that the OFT has been successful at the initial admissibility stage, for the  
11 reasons which are set out in the judgment the Tribunal considers that Cityhook was justified in  
12 bringing this appeal.

13           This Tribunal has a discretion as to costs: there are no rules or presumptions.  
14 Looking at all the circumstances of this case, as the Tribunal must do, including the conduct of  
15 all the parties, the Tribunal is presently of the view (but of subject to any submissions that  
16 might be made at a later stage) that it would be fair and just to leave costs where they fall. Of  
17 course, I am not expecting today any observations on the matter of costs.

18           If there are any other consequential applications, whether it is for costs or for  
19 permission to appeal, they should be made within 14 days in writing, and then 14 days for any  
20 reply.

21           Unless there are other specific applications or observations today I will rise.  
22 Thank you very much.

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