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IN THE COMPETITION
APPEAL TRIBUNAL

Case No. 1099/1/2/08

Victoria House,
Bloomsbury Place,
London WC1A 2EB

29 April 2009

Before:

VIVIEN ROSE
(Chairman)

Sitting as a Tribunal in England and Wales

BETWEEN:

NATIONAL GRID PLC

Appellant

- v -

GAS AND ELECTRICITY MARKETS AUTHORITY

Respondent

supported by

SIEMENS PLC
CAPITAL METERS LIMITED
METER FIT (NORTH WEST) LIMITED
METER FIT (NORTH EAST) LIMITED

Interveners

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HANDING DOWN

1 THE CHAIRMAN: For the reasons given in the judgment I am handing down today, the
2 Tribunal orders that National Grid's appeal against the finding that it abused its dominant
3 position is dismissed. The fine imposed on National Grid is reduced from £41.6 million to
4 £30 million and the directions given in the operative part of the Authority's decision have
5 been varied in several respects.

6
7 I would like to comment on one point that has been raised in the recent correspondence
8 from the parties to the Tribunal concerning setting a deadline within which National Grid
9 must bring the terms of the Legacy MSA into compliance with the competition rules. As
10 we note in the judgment, the negotiation of changes to these agreements between National
11 Grid and the gas suppliers is likely to be complex and we do not consider that it is practical
12 to set any particular date by which this should be completed. But we certainly do not regard
13 our direction that this should happen as soon as is reasonably practicable as being "open
14 ended" as one of the parties has suggested. We expect rapid progress to be made to bring
15 the effect of the Legacy MSAs to an end and we encourage the parties and the Authority to
16 start work on this straight away. In particular if there is some interim action that can be
17 taken by National Grid to mitigate the adverse effects of the agreement pending the formal
18 revision of its terms then we would expect that to be put in place as soon as possible.

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