From the Director of Competition Enforcement
Vincent Smith

OFFICE OF FAIR TRADING

Mr T Brannigan
Brannigan Publishing
119 Long Beach View
Eastbourne
BN23 5NB

By First Class Post and Email

Your ref
Our ref LU06/0054/EH
Date 9 June 2006

Direct line (020) 7211 8361
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Dear Mr Brannigan

Assessment of complaint by Brannigan Publishing ("Brannigan"): Newsquest (Sussex) Limited ("Newsquest") and Johnston Press Limited ("Johnston Press")

I refer to the private hearing before the Competition Appeal Tribunal ("Tribunal") on 28 April 2006 involving yourself and the Office of Fair Trading ("OFT").

At the hearing I offered on behalf of the OFT to assess the complaint previously submitted to us on 23 October 2003 by Brannigan, primarily against Newsquest but also against Johnston Press, together with any additional materials that you wished to submit. On 31 May 2006 you redrafted Brannigan's original complaint and resubmitted it to us together with additional material.

The OFT has now assessed Brannigan's complaint and I enclose the following documents:

(a) Assessment of Complaint by Brannigan against the OFT's current administrative priority criteria ; and

(b) Assessment of whether the OFT believes there are reasonable grounds to suspect an infringement of competition law under section 25 of the Competition Act 1998 (the 'Act').

In summary, the OFT will not be investigating the complaint further. We have assessed Brannigan's compliant against the six criteria we use to prioritise the complaints we receive and we do not consider that the complaint is an administrative priority for the OFT. Consequently, the OFT will not be devoting further resources to investigating Branningan's complaint.

Nevertheless, following the commitment I provided you at the hearing (and your personal circumstances) we have assessed whether, on the information available to us, there are reasonable grounds to suspect an infringement of competition law under section 25 of the Act. We also did this so as to guide you in any steps you might wish to take in relation to this matter in the future.

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I regret to say that, on the basis of the evidence that you provided to us, we consider that the grounds for suspecting an infringement of the Act are weak. There is no clear evidence that either Newsquest or Johnston Press are dominant in any market or that there were agreements which could have an appreciable effect upon competition. We are of the view that much of the alleged behaviour can be justified as a vigorous competitive response and of too short a duration to pose a threat to serious competition, whether from Brannigan or others.

Whilst I understand that you will be disappointed with this outcome, I hope that this assessment provides you with an explanation of the circumstances that sadly led you to close down Brannigan Publishing.

Yours sincerely

Vincent Smith

cc: David Greene, Edwin Coe
The Registrar, Competition Appeal Tribunal