



## COMPETITION APPEAL TRIBUNAL

### NOTICE OF APPEAL UNDER SECTION 46 OF THE COMPETITION ACT 1998

#### CASE NO 1022/1/1/03

Pursuant to rule 15 of the Competition Appeal Tribunal Rules 2003 (“the Rules”), the Registrar gives notice of the receipt of an appeal, dated 1 October 2003, under section 46 of the Competition Act 1998 (“the Act”) by JJB Sports PLC of Martland Park, Challenge Way, Wigan, Lancashire WN5 0LD (“the appellant”) in respect of a decision (CP/0871/01) taken by the Office of Fair Trading (“the OFT”) and notified to the appellant on 1 August 2003, (“the Decision”).

The text of the Decision can be found on the OFT website at [www.of.gov.uk](http://www.of.gov.uk)

In the Decision the OFT found that a number of sportswear retailers (including the appellant), Manchester United plc, the Football Association Ltd and Umbro Holdings Ltd, had entered into price-fixing agreements or taken part in concerted practices in relation to replica football kit that infringed section 2 (‘the Chapter I prohibition’) of the Act. For its infringement of the Chapter I prohibition the OFT imposed a penalty of £8.373 million on the appellant.

The appellant appeals against the Decision on the following grounds:

- the appellant denies that it entered into the alleged price fixing agreements or took part in the alleged concerted practices found by the OFT to be infringements of the Chapter I prohibition. The appellant therefore denies that it was a party to any infringement of the Chapter I prohibition;
- the reasoning upon which the penalty is based is irrational, insufficient and based on material errors of fact and/or law;
- the penalty is excessive.

The appellant seeks the following relief from the Tribunal:

- that the Decision be set aside;
- that the penalty imposed be annulled or reduced;
- that costs be awarded to the appellant.

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, New Court, 48 Carey Street, London WC2A 3BZ, 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 7271 0395) or fax (020 7271 0281). Please quote the case number mentioned above in all communications.

*Charles Dhanowa*

Registrar  
8 October 2003