



COMPETITION APPEAL TRIBUNAL

NOTICE OF APPEAL UNDER SECTION 46 OF THE COMPETITION ACT 1998

CASE NO 1019/1/03

Pursuant to rule 15 of the Competition Appeal Tribunal Rules 2003 (“the Rules”), the Registrar gives notice of the receipt of an appeal, dated 29 September 2003, under section 46 of the Competition Act 1998 (“the Act”) by Umbro Holdings Ltd, of Umbro House, Lakeside, Cheadle, Cheshire SK8 3GQ (“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.oft.gov.uk.

In the Decision the OFT found that the appellant, Manchester United plc, the Football Association Ltd and a number of sportswear retailers, had entered into price-fixing agreements in relation to replica football kit which infringed section 2 (‘the Chapter I prohibition’) of the Act. For its infringement of the Chapter I prohibition the OFT imposed a penalty of £6.641 million on the appellant.

The appellant’s appeal concerns the OFT’s reasoning on the penalty in section V.4 of the Decision. The OFT found, in paragraph 596 of the Decision, that the appellant had not made any significant admissions or cooperation until its written representations on the notice issued pursuant to rule 14 of the OFT’s procedural rules (“the Notice”). On that basis, the reduction in the penalty for cooperation was set at 40%. The appellant contends that the OFT’s analysis in this respect was incorrect in fact and law, and in the exercise of its discretion. As a matter of fact, the appellant submits that its cooperation and admissions commenced significantly earlier than its written representations in response to the Notice. As a matter of law and the exercise of its discretion, the OFT should have therefore granted a greater percentage reduction in the penalty as mitigation for the appellant’s cooperation.

On this basis the appellant submits that the penalty imposed on Umbro should be extinguished or further reduced.

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. 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