



COMPETITION APPEAL TRIBUNAL

**NOTICE OF A CLAIM FOR DAMAGES UNDER
SECTION 47A OF THE COMPETITION ACT 1998**

CASE NO. 1250/5/7/16

Pursuant to rule 33(8) of the Competition Appeal Tribunal Rules 2015 (S.I. 2015 No. 1648), the Registrar gives notice of the receipt of a claim for damages (the “Claim”) on 7 April 2016, under section 47A of the Competition Act 1998, by (1) Breasley Pillows Ltd; (2) Comfortex Ltd; (3) Drury-Adams Ltd; (4) Fibreline Ltd; (5) G.N.G. Foam Converters (Lancs) Ltd; and (6) Platt & Hill Ltd (together, the “Claimants”) against (1) Vita Cellular Foams (UK) Ltd; and (2) Vita Industrial (UK) Ltd (together, the “Defendants”). The Claimants are represented by Addleshaw Goddard LLP, 100 Barbirolli Square, Manchester M2 3AB (Reference: Mark Molyneux/Fiona Walker).

The Claim arises from a decision of the European Commission (the “Commission”) (Case AT.39801 – Polyurethane foam) of 29 January 2014 relating to a proceeding under Article 101 of the Treaty on the Functioning of the European Union (“TFEU”) (“the Decision”).

In the Decision, the Commission found that, from 26 October 2005 until 27 July 2010 (the “Cartel Period”), the Defendants, together with other addressees of the Decision, had participated in a single and continuous infringement of Article 101 TFEU by means of a European agreement and/or concerted practice covering 10 Member States, including the UK, concerning the coordination of their pricing behaviour in the sector of flexible polyurethane foam (the “Infringement”).

The Decision states that flexible polyurethane foam can be sub-divided according to two types of applications: comfort foam applications (foam used for example in upholstered furniture, beds, mattresses, pillows and mats) and technical foam applications (foam used for example in the automotive, aviation and medical product industries). The products that were the subject of the Infringement were, on the one hand, polyurethane comfort foam and, on the other hand, basic polyurethane technical foam supplied in the form of rolls and blocks (the “Products”).

According to the Claim, the Claimants are all companies which throughout and after the Cartel Period, engaged in the purchase of the Products for use in, amongst other things, foam conversion, manufacture of mattresses and pressure care products within the geographic market covered by the Infringement, including the UK. As part of their respective businesses, the Claimants were obliged to purchase the Products from the Defendants. Each of the Claimants purchased Products from the Defendants. The Claimants allege that the Infringement had the effect of raising the prices that the Defendants and others charged for the Products they sold to the Claimants causing the Claimants loss and damage.

The Claimants claim:

- (1) Damages, as particularised in more detail in the Claim.
- (2) Interest.
- (3) Costs.
- (4) Such other consequential orders as the Tribunal thinks fit.

The Claimants have applied for fast-track designation of the proceedings pursuant to Rule 58 of the Tribunal Rules.

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 Victoria House, Bloomsbury Place, London WC1A 2EB, or by telephone (020 7979 7979), fax (020 7979 7978) or email (registry@catribunal.org.uk). Please quote the case number mentioned above in all communications.

Charles Dhanowa OBE, QC (Hon)
Registrar
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