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**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case No. 1021/1/103  
1022/1/103

Victoria House,  
Bloomsbury Place,  
London WC1A 2EB.

1<sup>st</sup> October 2004

Before:  
SIR CHRISTOPHER BELLAMY (President)  
BARRY COLGATE  
RICHARD PROSSER OBE

Sitting as a Tribunal in England and Wales

**BETWEEN:**

ALLSPORTS LIMITED Appellant  
and  
OFFICE OF FAIR TRADING Respondent

And

JJB SPORTS PLC Appellant  
and  
OFFICE OF FAIR TRADING Respondent

Messrs. ADDLESHAW GODDARD appeared for Allsports Limited.

DLA LLP appeared for JJB Sports PLC.

MR. JON TURNER (instructed by the Director of Legal Services, the Office of Fair Trading) appeared for the Respondent.

Transcribed from the Shorthand notes of  
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**PROCEEDINGS**  
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1 THE PRESIDENT:

- 2 1. The Tribunal hands down today judgment on liability in the Appeal by JJB Sports PLC  
3 and Allsports Limited against the Decision of the OFT dated 1<sup>st</sup> October 2004. In that  
4 Decision JJB was fined £8.373 million for various price fixing activities. Allsports was  
5 fined £1.35 million also for price fixing activities. Those activities are illegal under the  
6 Competition Act, 1998. The case was triggered by a complaint to the OFT by  
7 Sportsworld International Limited (formerly “Sports Soccer Limited). In today’s  
8 judgment we have dealt with JJB’s and Allsports’ Appeals in so far as they deny the  
9 allegations of price fixing
- 10 2. The principal allegations against both JJB and Allsports were that they were involved in  
11 price fixing activities in respect of (i) the retail selling prices of England replica shorts  
12 immediately before and during the Euro 2000 tournament; and (ii) the retail selling price  
13 of the new Manchester United home shirt sponsored by Vodafone and launched on 1<sup>st</sup>  
14 August 2000.
- 15 3. After hearing a number of witnesses and considering all the evidence in the case, the  
16 Tribunal has found that both JJB and Allsports, respectively, were party to an agreement  
17 or concerted practice contrary to the Chapter I prohibition having as its object or effect to  
18 maintain the retail price of England replica shirts at £39.99 in the period immediately  
19 before and during Euro 2000. Various other companies, namely, Umbro Holdings  
20 Limited, Sports Soccer, Blacks Leisure Group plc and John David Sports plc have not  
21 contested their involvement in an agreement or concerted practice to that effect.
- 22 4. The Tribunal has further found that both JJB and Allsports were a party to an agreement  
23 or concerted practice contrary to the Chapter I prohibition having as its object or effect to  
24 fix the retail price of the new Manchester United home shirt due to be launched on  
25 1<sup>st</sup> August 2000 at £39.99. Umbro, Sports Soccer, Manchester United and Blacks have  
26 not contested their involvement in an agreement or concerted practice to that effect.
- 27 5. It was further alleged by the OFT that JJB was also a party to two other agreements or  
28 concerted practices, namely (i) a price fixing agreement in respect of the retail prices of  
29 the England and Manchester United shirts during the period August 2000 to August 2001  
30 and (ii) a price fixing agreement whereby the prices of England merchandise sold from  
31 the “England Direct” website, operated for the FA by Sportsetail Limited, were “pegged”  
32 to JJBs retail prices from February 2000 to August 2001.
- 33 6. In relation to the alleged agreement in respect of the retail prices of other England and  
34 Manchester United shirts during the period August 2000 to August 2001, the Tribunal

1 has found that JJB was party to a concerted practice having as its object or effect to  
2 maintain the retail price of the Manchester United Centenary shirt at £39.99 at its launch  
3 on 20<sup>th</sup> July 2001, contrary to the Chapter I prohibition. That concerted practice  
4 apparently ceased when the OFT made “dawn raids” at the end of August 2001.

- 5 7. With the exception of that concerted practice on the Manchester United Centenary shirt,  
6 the Tribunal has found that OFT has not proved its case against JJB in respect of other  
7 England or Manchester United Shirts in the period August 2000 to August 2001.
- 8 8. In respect of the allegation that JJB was a party to an agreement whereby the prices for  
9 England merchandise sold through the FA’s England Direct website would be pegged to  
10 JJB’s retail prices, the Tribunal has allowed JJB’s appeal, noting that a number of  
11 matters relied on by the OFT occurred before the Act came into force on 1 March 2000.
- 12 9. For the reasons set out in the judgment we unanimously find that therefore as follows as  
13 regards the appeals on liability by JJB and Allsports against the findings made by the  
14 OFT in Decision number CA98/06/2003 of 1<sup>st</sup> August 2003:

15 (i) as regards the England and Manchester United Agreements, JJB’s appeal on  
16 liability is dismissed.

17 (ii) As regards the Continuation Agreement, as described in the Decision, the  
18 Tribunal finds that JJB was a party to an agreement or concerted practice falling  
19 within the Chapter I prohibition to maintain the retail price of the new Manchester  
20 United Centenary shirt, launched on 20<sup>th</sup> July 2001.

21 Save as aforesaid JJB’s Appeal on liability is allowed as regards the Continuation  
22 Agreement. JJB’s appeal on liability is allowed as regards the England Direct Sportsetail  
23 Agreement. Allsports’ appeal on liability as regards the England and Manchester United  
24 Agreements is dismissed.

- 25 10. In handing down judgment today the Tribunal has had regard to the matters set out in  
26 Schedule 4 paragraphs 1(2) and 1(3) of the Enterprise Act 2002 and has decided not to  
27 exclude any material from this judgment.

- 28 11. The Tribunal will now proceed to hear the Appeals on penalties of JJB, Allsports,  
29 Manchester United and Umbro. We have provisionally in mind to fix the next Case  
30 Management Conference for 5<sup>th</sup> November 2004 with a view thereafter to having a  
31 hearing on the penalty appeals in early December. The Registry will be in touch with the

1 | parties through the usual channels to fix the appropriate dates. All other consequential  
2 | orders and directions are adjourned to the next Case Management Conference to be  
3 | notified by the Registry.

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