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Annual Report and Resource Accounts 2007-08 – Annexe C of  
HC836

Competition casework 1 April 2007 to 31 March 2008

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**Enforcement**

(a) Files opened

We opened files in respect of 937 cases of alleged anti-competitive activity under the Competition Act 1998 (CA98) or Part Six of the Enterprise Act 2002 (EA02), of which around 20 per cent merited closer examination. Of these, 12 involved possible cartel activity.

(b) Formal investigations launched and continued

We launched two formal investigations where we had reasonable grounds to suspect an infringement or offence had occurred. Both cases involved potential cartel activity. In one case we launched an investigation under section 192 of the Enterprise Act 2002 (EA02).

We continued to conduct investigations into 15 cases where the formal investigation was launched prior to April 2007.

(c) Charges brought under EA02

In one case three individuals were charged with offences under section 188 of the EA02 – this is the first case of charges being brought for the Cartel Offence. The case is due to be heard in the Crown Court later in 2008.

(d) Formal decisions

No formal decisions were issued during the reporting period. However, we achieved early resolution in two cases in advance of issuing formal infringement decisions. These resolutions involved all parties in one case and most parties in the other. The formal decisions are yet to be issued.

#### (e) File closures

Files were closed in 825 cases. Grounds for closure included case dismissal, administrative priority and issue solved through advice.

#### **Inspection and information-gathering**

During the year we conducted five on-site inspections relating to three separate investigations. One of these was under section 27 of the CA98 (without notice); the other four were pursuant to search warrants under section 194 of the EA02 and, for the first time, involved domestic premises in two cases.

During the period we provided assistance to the European Commission in carrying out inspections in seven cases.

We issued 99 notices under section 193 of the EA02 requiring immediate production of specific documents and/or the provision of specified information. These related to two separate criminal investigations.

We issued in excess of 600 written notices requiring the production of specified documents and information under section 26 of the CA98. These involved three separate cases.

#### **Leniency**

During the year we received 12 applications for leniency involving 12 separate cases.

#### **Investigations completed**

(All on grounds of administrative priorities)

<b>Case title</b>	<b>Date opened</b>	<b>Date closed</b>
Terms of new fee structure for London Metal Exchange - alleged predatory and discriminatory pricing	03/05/04	02/04/07
Alleged abuse of dominance by BA in offering non-linear discounts in its corporate deals	28/01/05	30/04/07
Alleged abuse of dominance by Walkers Snacks Limited through rebate scheme and other practices	02/06/02	03/05/07
Alleged cartel involving the supply of milk in the north of England	13/09/02	21/09/07