

Annual Report and Resource Accounts 2009-10

Annexe C

Competition law casework, 1 April 2009 to 31 March 2010

Competition enforcement

Table C1: Competition enforcement statistics, 1 April 2007 – 31 March 2010

	2007-08 (for comparison)	2008-09 (for comparison)	2009-10
Formal investigations launched under CA98 where we had reasonable grounds to suspect an infringement or offence had occurred	2	2	5
Investigations continued where the formal investigation was launched prior to the start of the financial year	15	16	13
Charges brought under EA02	1 case, 3 individuals	1 case, 4 individuals	0
Convictions under EA02	0	3	0
Formal decisions	0	1	2
Cases in which early resolution reached (with some or all parties) in advance of formal decision	2	1	1

Investigations completed

Table C2: Investigations completed, 1 April 2009 – 31 March 2010

<i>Case title</i>	<i>Date opened*</i>	<i>Date closed</i>	<i>Length of case in months</i>	<i>Summary of outcome</i>
Construction recruitment forum	13/06/06	29/09/09	39	Infringement decision and fines
Investigation into alleged bid rigging in the construction industry in England	19/11/04	20/11/09	60	Infringement decision and fines

Newspapers and magazine distribution	05/12/06	24/09/09	34	Decision not to refer the sector to the CC
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* For Competition Act 1998 cases, the date of our first exercise of powers post the s25 threshold being passed.

Ongoing investigations

Table C3: Investigations which were ongoing as at 31 March 2010 and which are in the public domain

<i>Case title</i>	<i>Date opened*</i>	<i>Procedural milestones passed as at 31 March 2010</i>
Criminal investigation into alleged price fixing of airline passenger fuel surcharges for long haul passenger flights	13/06/06	Preliminary hearings completed
Civil investigation into alleged price fixing of airline passenger fuel surcharges for long haul passenger flights	13/06/06	Early resolution
Investigation into alleged infringement of competition law on passenger services on the London to Hong Kong route	22/11/07	On-site inspections undertaken
Investigation into the provision of loan products by professional service firms	13/05/08	Early resolution
Investigation into the sports goods retail sector	10/09/09	On-site inspections undertaken
Investigation into the automotive sector	18/02/10	On-site inspections undertaken
Investigation into tobacco retail pricing	01/02/03	Early resolution
Investigation into dairy retail pricing	10/06/04	Early resolution with certain parties. Supplementary Statement of Objections issued.
Investigation into certain retailers and suppliers	24/04/08	S26 Notices issued
Investigation into alleged abuse of dominance by Reckitt Benckiser in relation to its Gaviscon brand	20/11/08	Statement of Objections issued.
CAMRA super-complaint relating to the supply of beer to pubs	29/05/09	Decision. Consultation on decision launched.
Investigation of MasterCard/S2 multilateral	24/01/06	S26 Notices issued

interchange fees/interim payment guarantee charges for UK domestic point-of-sale payment card transactions		
Investigation of Visa multilateral interchange fees for UK domestic point-of-sale payment card transactions	08/07/04	Statement of Objections issued in October 2005 and withdrawn in June 2006. S26 Notices issued.

* For Competition Act 1998 cases, the date of our first exercise of powers post the s25 threshold being passed.

Inspection and information-gathering

Table C4: Inspection and information gathering under competition law, 1 April 2007 – 31 March 2010

	2007-08 (for comparison)	2008-09 (for comparison)	2009-10
On-site inspections undertaken	5	12	7*
Separate cases in relation to which on-site inspections were carried out	3	2	3
Notices issued under section 193 of the EA02 requiring immediate production of specific documents and/or the provision of specified information	99	14	2
Notices issued under section 26 of the CA98 requiring the production of specified documents and information	> 600	~ 69	81

* Six of these were under section 28 Competition Act 1998 and one was under section 194 Enterprise Act 2002. The OFT also assisted with raiding six sites in relation to four EC cases during the period.

Leniency

Table C5: Leniency applications, 1 April 2007 – 31 March 2010

	2007-08 (for comparison)	2008-09 (for comparison)	2009-10
Applications for leniency received	12	31	20
Separate cases in respect of which applications for leniency were received	12	22	15