

Annexe C

Competition Act casework 1 April 2006 to 31 March 2007

Enforcement actions

We opened 829 cases under the Competition Act, of which 20 involved possible cartel activity. Although, it should be noted that from 1 October 2006, approximately 40 to 50 complaints a month – that would previously have led to a case being opened under the Competition Act – have been dealt with in a new area of the office dealing with external complaints and preliminary investigations. This has resulted in a fall in the number of cases opened compared to previous years.

Formal investigations were launched into nine cases where we had reasonable grounds to suspect an infringement, or offence, had occurred, this includes two investigations launched under s.192 of the Enterprise Act 2002; six of these were potential cartel cases.

We issued two formal decisions during the reporting period.

We closed two other cases after securing changes in behaviour from the businesses involved, and published summaries of these cases on our website.

➤ *Details of all decisions under the Competition Act:* www.ofc.gov.uk

Inspection statistics

During 2006-07, we visited 14 business premises using our formal civil investigatory powers under the Competition Act. These related to five separate investigations. We made 11 visits without notice under section 27 of the Act; the remaining three were with the authority of search warrants obtained under section 28 of the Act.

Over the same period, we visited four business premises under the authority of criminal search warrants obtained under section 194 of the Enterprise Act. We also issued 14 section 193 notices - one to a business and 13 to individuals - requiring the immediate production of specified documents and/or the provision of specified information. These criminal investigatory measures related to two separate cases, as mentioned above.

Leniency statistics

We received 19 leniency applications during the reporting period. Of these eight related to our ongoing investigation of the UK construction industry (see main report). The remaining 11 applications related to seven separate cases.

Investigations completed

| Case Title | Date opened | Date closed | Priority area |
|---|-------------|-------------|---------------|
| Infringement decision | | | |
| Aluminium Spacer Bars | 11/03/2002 | 28/06/2006 | Construction |
| Schools: exchange of information on future fees | 14/05/2003 | 28/11/2006 | - |
| Other | | | |
| Alleged predatory pricing by BA on Edinburgh - London City Airport route | 17/05/2004 | 30/03/2006 | - |
| Laying of communication cables | 26/02/2002 | 23/06/2006 | - |
| Yamaha-Kemble Music UK Ltd (Yamaha) | 16/08/2005 | 08/09/2006 | - |
| Alleged price fixing in the market for window frames | 14/12/2005 | 15/09/2006 | Construction |
| Alleged price fixing and market sharing in the supply of pallets | 29/06/2004 | 06/10/2006 | - |
| Alleged price fixing in the supply of Care Home Services | 10/07/2003 | 25/10/2006 | Healthcare |
| Alleged price fixing in the supply of corrugated cardboard | 19/04/2004 | 31/10/2006 | - |
| Alleged price fixing and market sharing in the supply of demolition and de-commissioning services | 09/05/2005 | 26/11/2006 | Construction |
| NJPC | 09/09/2002 | 19/12/2006 | - |
| Terms upon which NCR licenses its software | 28/01/2005 | 29/01/2007 | - |
| Alleged price-fixing of Oakley sunglasses | 12/02/2003 | 06/03/2007 | - |
| Alleged market sharing in the market for ferry services in Scotland | 17/01/2005 | 29/03/2007 | - |