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## **Annual Report and Resource Accounts 2008-09 – Annexe C**

### **Competition law casework 1 April 2008 to 31 March 2009**

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#### **Enforcement**

##### **(a) Files opened**

We opened files in respect of 2,194 cases of alleged anti-competitive activity under the Competition Act 1998 (CA98) and Part 6 of the Enterprise Act 2002 (EA02).

##### **(b) Formal investigations launched and continued**

We launched two formal investigations, under CA98, where we had reasonable grounds to suspect an infringement or offence had occurred.

We continued to conduct investigations into 16 cases where the formal investigation was launched prior to April 2008.

##### **(c) Charges brought under EA02**

In 2007-2008 three individuals were charged with offences under s.188 EA02. In June 2008 these three individuals were convicted and were sentenced to between two and a half to three years' imprisonment. Two were disqualified for acting as directors for seven and five years respectively, and one was subject to a costs order of £25,000. On appeal these sentences were reduced to 30, 24 and 20 months.

Additionally during 2008-2009, four individuals were charged with offences under s.188 EA02. This is in relation to one case. Preliminary arguments are due to commence on 13 July 2009 and the trial on 18 January 2010.

##### **(d) Formal decisions**

One formal decision was issued during the reporting period. We also achieved early resolution in one case in advance of issuing formal infringement decisions. This resolution involved a number of parties in one case. The formal decision is yet to be issued.

#### (e) File closures

Files were closed in 139 cases. Grounds for closure included case dismissal, administrative priority and issue solved through advice.

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

During the year we conducted 12 on-site inspections relating to two separate investigations. Ten of these were under section 27 CA98, one was under section 28 CA98 and one under section 18 of the Police and Criminal Evidence Act 1984.

We issued 14 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 approximately 69 written notices requiring the production of specified documents and information under section 26 of the CA98. These involved three separate civil investigations.

#### **Leniency**

During the year we received 31 applications for leniency involving 22 separate cases.

#### **Investigations completed**

(on grounds of insufficient evidence for a finding of infringement)

<b>Case title</b>	<b>Date opened</b>	<b>Date closed</b>
Alleged cartel involving the supply of milk in Scotland	09/06/03	27/10/08

#### **Inter-year comparison**

<b>Competition casework</b>	<b>2007-08</b>	<b>2008-09</b>
• Files opened	937	2,194
• Formal investigations launched	2	2
• Investigations continued from previous year	15	16
• Charges brought under EA02	1 case (three individuals charged)	1 case (four individuals charged)
• Formal decisions	0	1, plus early resolution in one case
• File closures	825	139

<b>Inspections and info gathering</b>	<b>2007-08</b>	<b>2008-09</b>
<ul style="list-style-type: none"> <li>On-site inspections</li> </ul>	5 (relating to three separate investigations)	12 (relating to two separated investigations)
<ul style="list-style-type: none"> <li>Notices issued under s193 of EA02</li> </ul>	99 (relating to two separate criminal investigations)	14 (relating to two separate criminal investigations)

<b>Leniency</b>	<b>2007-08</b>	<b>2008-09</b>
<ul style="list-style-type: none"> <li>Applications</li> </ul>	12 (involving 12 separate cases)	31 applications (involving 22 separate cases)