

Appendix 1: List of Cases in which penalties have been imposed by the OFT and UK Sectoral Regulators since 2001

This table has been prepared from publically available material. Unfortunately, the information which is publically available varies between cases: in most of the more recent cases the absolute level of the fines has been published by the OFT, but due to reasons of commercial confidentiality it has not always published the fine as a percentage of turnover or relevant turnover; by contrast in some of the older cases the penalty was announced as a proportion of turnover but not in absolute terms. Only decisions taken by the OFT or sectoral regulators under s.36 CA 1998 are included; cases where a penalty has been announced under the terms of an early resolution agreement but the penalty decision has not yet been issued at the date of preparing this table have been excluded.

Case Name	Date	Type	Nature of Infringement Alleged	Decision
Tobacco	06/07/2010	Ch.I	Retail price coordination	<p>OFT imposed fines totalling £225m on two tobacco manufacturers and ten retailers as follows:</p> <p>Imperial Tobacco £112,332,495</p> <p>Gallaher £50,379,754</p> <p>Asda £14,095,933</p> <p>The Co-operative Group £14,187,353</p> <p>First Quench £2,456,528</p> <p>Morrisons £8,624,201</p> <p>Safeway £10,909,366</p> <p>Sainsbury's £0 (100% leniency granted)</p> <p>Shell £3,354,615</p> <p>Somerfield £3,987,950</p> <p>One Stop Stores £1,314,095</p> <p>TM Retail £2,668,991</p> <p>Appeals have been brought against the Decision and are pending before the CAT.</p>

Case Name	Date	Type	Nature of Infringement Alleged	Decision
Bid rigging in the construction industry in England	20/11/2009	Ch.I	Collusive tendering / Information Exchange	<p>OFT imposed fines totalling £129.2 million on 103 construction firms. The full list of parties and penalties imposed can be found at: http://www.ofst.gov.uk/shared_ofst/business_leaflets/general/parties2.pdf</p> <p>25 undertakings appealed against penalty. The CAT has handed down judgment in 13 of those cases to date. In each case it has reduced the penalty payable.</p>

Case Name	Date	Type	Nature of Infringement Alleged	Decision
Construction Recruitment Forum	13/11/2009	Ch.I	Price Fixing and Collective Boycott	<p>OFT imposed fines on six recruitment agencies as follows:</p> <p>A Warwick Associates £3,303</p> <p>CDI AndersElite Ltd £7,602,789 (30% leniency granted)</p> <p>Eden Brown Ltd £1,072,069 (35% leniency granted)</p> <p>Fusion People Ltd £125,021 (20% leniency granted)</p> <p>Hays Specialist Recruitment Ltd £30,359,129 (30% leniency granted)</p> <p>Henry Recruitment Ltd £108,043 (25% leniency granted)</p> <p>Beresford Blake Thomas Ltd and Hill McGlynn & Associates Ltd both granted 100% leniency.</p> <p>Appeals against the decision have been heard and judgment is pending.</p>

Case Name	Date	Type	Nature of Infringement Alleged	Decision
National Grid (Ofgem decision)	21/02/2008	Ch. II and A.102	Exclusionary abuse by entering into long term contracts under which dominant undertaking's gas meters would not be replaced by competitors' meters	Ofgem fined National Grid £41.6 million (being 4% of relevant turnover multiplied by a factor of 4 to take account of duration) Fine subsequently reduced to £30 million on appeal to Competition Appeal Tribunal and to £15 million on further appeal to the Court of Appeal (being approximately 1.5% of relevant turnover multiplied by a factor of 4 to take account of duration).
Schools: exchange of information on future fees	20/11/2006	Ch.I	Exchange of pricing information	50 fee-paying schools fined £10,000 each, subject to reductions in respect of leniency. ⁹⁴

⁹⁴ In arriving at its decision to limit the penalties imposed in this case to £10,000, reduced for leniency, the OFT had regard to exceptional features of the case: the voluntary admission by schools of the infringement; the fact that the schools agreed to make an ex gratia payment to fund a £3 million educational trust fund for the benefit of pupils who attended the schools during the infringement; the schools were all non-profit making charitable bodies.

Case Name	Date	Type	Nature of Infringement Alleged	Decision
English Welsh and Scottish Railway Limited (ORR Decision)	17/11/2006	Ch II and A.102 TFEU	Exclusionary abuse by entering into long term contracts with customers; predatory pricing; discriminatory pricing	Penalty of £4.1 million imposed on EWS, including a 35% discount for cooperation, being approximately 4% of EWS's turnover in the relevant market.
Aluminium spacer bars	28/06/2006	Ch I	Customer allocation / Market Sharing; Price Fixing; Non-compete Arrangements	OFT imposed the following fines: EWS (Manufacturing) Limited (£490,050) Thermoseal Group Limited (£380,700, reduced to £228,420 by leniency) Double Quick Supplyline Limited (£180,000) Ulmke Metals Limited (£333,300, reduced to £nil by leniency). An appeal brought against penalty was dismissed by the CAT.

Case Name	Date	Type	Nature of Infringement Alleged	Decision
Stock check pads	03/04/2006	Ch I	Price Fixing and Market Sharing	OFT imposed the following fines: BemroseBooth Limited (£1,888,600 reduced to £nil by leniency) Achilles Paper Group Limited (£255,697.50 reduced to £127,848.75 by leniency) 4imprint Group PLC (£40,470). An appeal brought against penalty was dismissed by the CAT.
Flat roof and car park surfacing contracts in England and Scotland	23/02/2006	Ch I	Collusive tendering	OFT imposed fines on 13 undertakings of between £1,570 and £852,253 which were reduced to between £0 and £511,351 following the application of leniency policy. An appeal brought against the level of penalty was dismissed by the majority of the CAT.
MasterCard UK Members Forum Limited	05/09/2005	Ch I	Collective pricing	OFT found infringement but considered it appropriate not to impose penalty in view of all the circumstances. Finding of infringement was subsequently overturned on appeal to CAT.

Case Name	Date	Type	Nature of Infringement Alleged	Decision
Felt and single ply roofing contracts in Western-Central Scotland	11/07/2005	Ch I	Collusive Tendering	OFT imposed penalties totalling £258,576 on six parties, reduced to a total of £138,515 to take account of leniency.
Mastic asphalt flat-roofing contracts in Scotland	07/04/2005	Ch I	Collusive Tendering	OFT imposed penalties totalling £231,445 on four parties, reduced to a total of £87,353 to take account of leniency.
Felt and single ply flat-roofing contracts in the North East of England	07/04/2005	Ch I	Collusive Tendering	OFT imposed penalties totalling £598,223 on seven parties, reduced to a total of £471,029 to take account of leniency.

Case Name	Date	Type	Nature of Infringement Alleged	Decision
UOP Limited / UKae Limited / Thermoseal Supplies Ltd / Double Quick Supplyline Ltd / Double Glazing Supplies Ltd	09/11/2004	Ch I	Price Fixing / Resale Price Maintenance	OFT imposed the following penalties: UOP £1,540,000 reduced to £1,232,000 for leniency UKae £278,000 reduced to £nil for leniency Thermoseal £279,000 reduced to £139,000 for leniency DQS £109,000 DGS £227,000 Penalties were subsequently reduced (by consent) on appeal to CAT.
Attheraces	09/05/2004	Ch I	Collective licensing	Infringed Ch I prohibition but no penalty imposed by OFT. Decision on liability overturned on appeal to CAT.

Case Name	Date	Type	Nature of Infringement Alleged	Decision
Flat-roofing contracts in the West Midlands	17/03/2004	Ch I	Collusive tendering	<p>OFT imposed the following penalties:</p> <p>Apex - £35,922.80 Briggs - £0 Brindley - £55,540.80 General Asphalte - £63,192.86 Howard Evans - £35,510.25 Price - £18,000.00 Redbrook - £17,802.90 Rio - £45,049.68 Solihull - £26,606.25</p> <p>The appeal to the CAT on penalty by Apex Asphalt was dismissed. On appeal the CAT reduced the penalty imposed on Price to £9,000.</p>

Case Name	Date	Type	Nature of Infringement Alleged	Decision
Hasbro U.K. Ltd / Argos Ltd / Littlewoods Ltd	02/12/2003	Ch I	Price fixing (hub and spoke cartel)	<p>OFT imposed penalties of £17.28 million on Argos and £5.37 million on Littlewoods. A penalty of £15.59 million on Hasbro was reduced to £nil for leniency.</p> <p>On appeal, the CAT reduced the penalties payable, in Argos' case from £17.28 million to £15 million and in Littlewoods' case from £5.37 million to 4.5 million. A further appeal against penalty to the Court of Appeal was dismissed.</p>

Case Name	Date	Type	Nature of Infringement Alleged	Decision
Football kit price-fixing	31/07/2003	Ch I	Price fixing	<p>OFT imposed penalties on 10 parties as follows:</p> <p>Umbro £6.641 million</p> <p>Allsports £1.350 million</p> <p>Blacks £197,000</p> <p>Sports Connection £27,000 reduced to £20,000 for leniency</p> <p>JJB Sports £8.373 million</p> <p>JD Sports £73,000</p> <p>Manchester United £1.652 million</p> <p>Sportsetaril £40,000 reduced to £nil for leniency</p> <p>Sports Soccer £123,000</p> <p>FA £198,000 reduced to £158,000 for leniency</p> <p>On appeal to the CAT, the penalty for Umbro was reduced from £6.641 million to £5.3 million; the penalty for Manchester United was reduced from £1.652 million to £1.5 million; the penalty for Allsports was increased from £1.35 million to £1.42 million; and the penalty for JJB Sports was reduced from £8.373 million to £6.7 million.</p> <p>A further appeal against penalty to the Court of Appeal was dismissed.</p>

Case Name	Date	Type	Nature of Infringement Alleged	Decision
Lladró Comercial S.A.	30/03/2003	Ch I	Price fixing / Resale price maintenance	Infringement found, but no penalty imposed in respect of period prior to 30 March 2000 (pursuant to s 41(2) CA 98) because comfort letter had been issued by the European Commission; no penalty imposed in respect of period after 30 March 2000 because OFT concluded that Lladro had misunderstood nature of Commission's comfort letter.
Genzyme Limited	27/03/2003	Ch II	Bundling and Margin Squeeze	Penalty of £6.8 million imposed on Genzyme in respect of both bundling and margin squeeze abuses. On appeal, CAT found that bundling abuse was not proven, but upheld finding of margin squeeze, and reduced penalty to £3 million.
Northern Ireland Livestock and Auctioneers' Association	04/02/2003	Ch I	Price fixing	Infringement found but decision that no penalty should be imposed due to the overt nature of the restriction and the exceptional circumstances of the case, including the impact of BSE and foot and mouth disease on the cattle industry.
Hasbro UK Ltd and distributors	06/12/2002	Ch I	Price fixing / Resale Price Maintenance	Infringement found. Penalty of £9 million imposed on Hasbro, reduced to £4.95 million for leniency. No penalty was imposed on distributors, because had not taken a lead and were in a weak position as against Hasbro.

Case Name	Date	Type	Nature of Infringement Alleged	Decision
Aberdeen Journals Ltd: remitted case	24/09/2002 ⁹⁵	Ch II	Predatory pricing	Infringement found and penalty of £1,328,040 was imposed on Aberdeen Journals reduced to £1 million on appeal to the Competition Appeal Tribunal.
John Bruce (UK) Limited, Fleet Parts Limited and Truck and Trailer Components	16/05/2002	Ch I	Price fixing	Penalties were imposed as follows: John Bruce UK Limited - 3 percent of its relevant turnover, Fleet Parts Limited - 5.6 percent of its relevant turnover EW (Holdings) Limited - 24 percent of its relevant turnover. [Figures only publically available as % of turnover].

⁹⁵ This was the second decision taken in respect of Aberdeen Journals, replacing an earlier decision taken on 15/07/2001.

Case Name	Date	Type	Nature of Infringement Alleged	Decision
Arriva plc and FirstGroup plc	05/02/2002	Ch I	Market Sharing	Infringement found. Financial penalties were imposed as follows <ul style="list-style-type: none"> - Arriva plc £318,175 reduced to £203,632 for leniency - FirstGroup plc as £529,852 reduced to £nil for leniency
Napp Pharmaceutical Holdings Limited	04/04/2001	Ch II	Price discrimination / Excessive pricing / predatory pricing	Infringement found and penalty of £3.2 million imposed on Napp. On appeal the CAT reduced the penalty to £2.2 million.