

THE COMPETITION APPEAL TRIBUNAL

TABLE 1 ACTIVITY ANALYSIS 2002/3 – 2010/11

		2002/3	2003/4	2004/5	2005/6	2006/7	2007/8	2008/9	2009/10	2010/11
1	Appeals etc. received	6	17	20	10	20	19	11	41	29
2	Requests to intervene	7	19	21	9	12	52	10	20	89
3	CMCs	8	24	57	24	21	21	13	10	7
4	Main Hearings	8	15	18	15	29	13	16	14	39
5	Sitting Days	9	31	38	25	35	24	36	27	51
6	Judgments	8	34	26	41	44	26	42	38	26
7	Orders made	11	63	106	96	105	139	184	123	133

TABLE 2 ANALYSIS OF EXPENDITURE 2003/4 – 2010/11

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Row	CAT	2003/4	2004/5	2005/6	2006/7	2007/8	2008/9	2009/10	2010/11
1	Ordinary members' remuneration	152	202	162	207	232	248	167	232
2	Chairmen's remuneration	5	94	91	190	184	138	94	134
3	President's remuneration	<u>163</u>	<u>168</u>	<u>171</u>	<u>147</u>	<u>68</u>	<u>173</u>	<u>173</u>	<u>181</u>
4	Sub total (1 + 2 + 3)	320	464	424	544	484	555	433	547
5	Other CAT charges ¹	<u>180</u>	<u>219</u>	<u>222</u>	<u>217</u>	<u>131</u>	<u>133</u>	<u>150</u>	<u>177</u>
6	Sub total (4 + 5)	500	683	646	761	615	688	583	724
	Comp. Service								
7	Staff salary costs ²	615	762	857	883	835	877	866	839
8	Other admin costs	1433	1784	2104	1986	2128	2437	2321	2622
9	Sub total (7 + 8)	2048	2546	2961	2869	2963	3314	3187	3461
10	Gross expenditure ^{3, 4} (6 + 9)	2592	3375	3619	3641	3590	4072	3770	4185
11	Grant in Aid allocation	3888	4717	3866	4070	4072	4119	3821	3805

Notes

¹ operating costs, social security payments, pension contributions for President.

² includes social security and pension contributions.

³ will be greater than sum of components shown due to minor items.

⁴ included depreciation charges in 2003/4 and 2004/5.

TABLE 3 COST ANALYSIS

CAT members' remuneration	2003/4	2004/5	2005/6	2006/7	2007/8	2008/9	2009/10	2010/11
As % total CAT costs (4/6)	64	68	66	71	79	81	74	76
As % gross expenditure (4/10)	12	14	12	15	13	14	11	13
CAT ordinary members' remuneration								
As % total CAT costs (1/6)	30	30	25	27	38	36	29	32
As % gross expenditure (1/10)	6	6	4	6	6	6	4	6

COMPETITION SERVICE STAFF SALARY COSTS

	2003/4	2004/5	2005/6	2006/7	2007/8	2008/9	2009/10	2010/11
As % of CS total expenditure (7/9)	30	30	29	31	28	26	27	24
As % gross expenditure (7/10)	24	23	24	24	23	22	23	20

TOTAL CAT EXPENDITURE

	2003/4	2004/5	2005/6	2006/7	2007/8	2008/9	2009/10	2010/11
As % gross expenditure (6/10)	19	20	18	21	17	17	15	17

TABLE 4 ANALYSIS OF ECONOMIC CONTENT OF JUDGMENTS HANDED DOWN

	2002/3	2003/4	2004/5	2005/6	2006/7	2007/8	2008/9	2009/10	2010/11	Total
Total Judgments	7	34	26	41	44	26	42	38	26	284
Disposing of preliminary issue	4	1	17	11	22	15	11	14	13	108
Disposing of appeal	3	6	8	13	14	6	11	4	9	74
On procedural matters	1	27	1	17	8	5	20	20	4	103
On Chapter I issue	0	0	4	2	2	1	0	0	1	10
On Chapter II issue	0	2	2	5	2	2	4	2	0	19
Mergers	0	1	0	2	2	1	3	3	1	13
Market investigations	0	0	0	1	0	0	1	2	0	0
Other economic issues	1	0	1	0	1	1	1	1	4	10

Source: Analysis of CAT Annual Reports.

Notes

1 case covered more than 1 category.

Some cases had multiple judgments, some over more than 1 year.

Some judgments relating to costs and damages may raise economic issues, but they are not included here.

Issues regarding remedies are counted here.

“Other economic issues” covers the nature of an undertaking; obligation to supply; proceedings under the Communications Act; other pricing issues, competitive use of bandwidth.

TABLE 5. ANALYSIS OF ARCHIVED CASES

Total Cases Archived	112
Of which:	
Did not proceed to judgment	32
Joined cases ¹	18
Separate cases on same issue ²	17
Multiple cases on same issue by 1 appellant ³	14
Other ⁴	6

Source: Analysis of CAT website.

Notes:

¹ These were not counted in the 112.

² Relating to rpm, bid rigging etc. If taken as single cases the number would reduce to 7.

³ Two or more separate case numbers given to essentially the same case, this reduces the number of such cases from 23 to 9.

⁴ Outside CAT jurisdiction, inadmissible, referred elsewhere.

TABLE 6. MAIN ISSUES ADDRESSED IN ARCHIVED CASES

		Examples
Chapter I – cartels	22	Liability, penalties
Chapter II – abuse of dominance	18	Pricing/discrimination/margin squeeze; market definition/dominance; cost measures
Mergers	9	Non-referrals; SLC; remedies.
Interim relief applications	9	
Procedural matters	22	Evidence; permission to intervene/appeal; extension of time.
Damages claim	7	
Other	3	Status of NHS; interconnection; Communications Act

Source: Analysis of CAT website.

Note: There are 7 stayed cases, of which 4 were for damages for either Article 81 breach or predation; 2 appeals are stayed pending decisions in other cases; 1 appeal has been withdrawn.

TABLE 7 ANALYSIS OF CURRENT CASES

Chapter I	Number
Bid rigging in construction	22
Price fixing in tobacco	6 (grouped)
Price fixing/refusal to deal in recruitment	3 (grouped)
Creation of confidentiality ring	4
Damages actions	2
Chapter II	
Damages actions (abuse of dominance, predation)	2
Mergers	2
Markets	
Selective distribution (pay tv)	4
Communications Act	
Dispute resolution	5
Selective distribution	2
Other	
Interim relief, extension of time, licence condition	3

Source: Analysis of CAT website.