

**THE HIGH COURT**

BETWEEN/

THE COMPETITION AUTHORITY

Plaintiff

AND

THE LICENSED VINTNERS ASSOCIATION, LORCAN LYNCH, FRANK  
TOWEY, EDWARD BYRNE AND VINCENT MURPHY

Defendants

**TERMS OF SETTLEMENT**

The parties agree to settle these proceedings on the following terms:

1. On the undertakings to the Court referred to below, these proceedings shall be struck out as against the Defendants and each of them with no order as to costs.
2. The Defendants deny the allegations made in these proceedings. It is agreed that the settlement of these proceedings does not constitute an admission by the Defendants that they and each of them breached Section 4(1) of the Competition Act, 1991 -1996 in the matter alleged in these proceedings or at all, nor does it constitute an acknowledgement by the Defendants and each of them that the facts alleged in the proceedings are true.
3. The parties agree that this settlement is in full and final settlement of all claims arising out of the alleged facts and matters pleaded in these proceedings.
4. The following are the undertakings to be given to the Court:
  - (1) The Association and its officers, servants or agents and each of them undertake to the Court not to recommend to the Association's members the prices, margins, increases in prices and increases in margins earned on the sale to the public of alcoholic beverages for consumption on licensed premises owned, managed or controlled by the Association's members.

(2) The Association and its officers, servants or agents and each of them undertake to the Court that they will not breach the provisions of Section 4 of the Competition Act, 2002 in relation to the sale of and the price at which alcoholic beverages are sold to the public for consumption on licensed premises owned, managed or controlled by the association's members.

(3) The Association and its officers, servants or agents and each of them undertake to the Court to inform the Association's members of the settlement of these proceedings and the undertakings provided for herein and that the Association may not recommend to its members the prices, margins, increases in prices and increases in margins earned on the sale to the public of alcoholic beverages for consumption on licensed premises owned, managed or controlled by the said members.

5. This settlement is to be received and filed in Court.

6. The parties agree that any public statement to be made by either of them or on their behalf concerning the settlement of these proceedings will be confined to what is specifically stated in these Terms of Settlement and in the Order of the Court reciting and receiving same.

Dated this 7 day of December 2003

Signed John Fingleton.

On behalf of the Authority:

Dr. John Fingleton,

Chairperson of the Competition Authority

Signed Conor McDonnell

On behalf of the Licensed Vintners Association:

Conor McDonnell, Solicitor,

Arthur Cox Solicitors

1998 No. 6687P

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Defendants

Terms of Settlement

David McFadden,  
Solicitor,  
Competition Authority,  
Parnell House,  
14 Parnell Square,  
Dublin 1.