

# EXHIBIT 9

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**HEADLINE:** Microsoft accuses Brussels of colluding with rivals

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**BODY:**

Microsoft was warned last night its behaviour was leading inexorably towards large fines from the European Commission after the US software giant accused the competition body of colluding with the company's rivals.

Neelie Kroes, European Union competition commissioner, said: "If we pursue the line we are following now, there will be fines and they won't be small fines."

The Commission was accused by Microsoft of "secret collaboration" with the group's rivals and violating its rights of defence.

The allegations formed part of the group's response to Commission charges that Microsoft had failed to comply with Brussels' landmark antitrust ruling of March 2004. The group faces penalties of up to Euros 2m (Pounds 1.36m) a day unless it can show it implemented properly a key provision of the ruling that Microsoft share more technical information with rivals. Brussels' latest charges are based on the advice of the Commission's technical experts - primarily Professor Neil Barrett, a British computer scientist, but also a consultancy called OTR.

In a 14-page filing to the Commission yesterday, Microsoft alleges that their advice may have been affected by undue influence from the group's rivals. It says: "The Commission facilitated and, at times initiated, contacts between the adversaries and the trustee . . . . Indeed, the documents released on 13 February show that the Commission actively encouraged Microsoft's adversaries to 'educate' the Trustee (Prof Barrett) in a manner detrimental to Microsoft." Microsoft originally proposed Prof Barrett for the trustee post.

The filing does not reveal which rivals Microsoft refers to, but the only companies familiar with the group's compliance efforts are IBM, Oracle, Novell and Sun Microsystems.

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