



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1110/6/8/09

BETWEEN:

BAA LIMITED

Applicant

-v-

COMPETITION COMMISSION

Respondent

-supported by-

RYANAIR LIMITED

Intervener

ORDER

UPON the Tribunal handing down its judgment in respect of these proceedings on 21 December 2009 ([2009] CAT 35)

AND UPON reading the submissions from BAA Limited (“BAA”) and the Competition Commission (“the Commission”) in relation to costs

AND UPON no costs order being sought by or in respect of Ryanair Limited

AND UPON the Tribunal handing down its judgment on costs on 30 March 2010 ([2010] CAT 11, “the Costs Judgment”)

AND UPON reading the letter from BAA dated 31 March 2010 requesting that the Commission make an interim payment to BAA on account of costs

AND UPON the parties agreeing the terms of that interim payment

IT IS ORDERED THAT:

1. Pursuant to rule 55(3) of the Tribunal Rules 2003 (SI No. 1372) the Commission pay BAA its costs in accordance with paragraph 22 of the Costs Judgment, such costs if not agreed to be assessed on the standard basis by a costs officer of the Senior Court’s Costs Office.

2. The Commission, within 14 days of the date of this Order, pay BAA the sum of £260,000 as an interim payment on account of costs.
3. In the event that the amount payable to BAA by the Commission in respect of costs following agreement or detailed assessment exceeds £260,000, BAA shall not seek to recover interest on the outstanding balance at a rate exceeding the Bank of England Base Rate at the time with the determination is concluded.
4. In the event that the Tribunal's order in paragraph 1 above is varied on appeal, BAA repay to the Commission any sums paid by the Commission on account of costs (to the extent that such repayment is appropriate in the light of the varied order) plus interest at the Bank of England Base Rate as applicable from the date the interim payment on account is made until the date of repayment.

The Honourable Mr Justice Barling
President of the Competition Appeal Tribunal

Made: 28 April 2010
Drawn: 28 April 2010