



**IN THE COMPETITION  
APPEAL TRIBUNAL**

Case No: 1110/6/8/09

**BETWEEN:**

**BAA LIMITED**

**Applicant**

**-v-**

**COMPETITION COMMISSION**

**Respondent**

**-supported by-**

**RYANAIR LIMITED**

**Intervener**

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**ORDER**

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**UPON** the Tribunal handing down its judgment on 21 December 2009 ([2009] CAT 35, “the Main Judgment”)

**AND UPON** reading the written submissions from the parties in relation to the appropriate consequential relief

**AND UPON** reading the requests by the Competition Commission (“the Commission”) and Ryanair Limited (“Ryanair”) for permission to appeal the Main Judgment and the submissions of BAA Limited opposing the requests

**AND UPON** the parties indicating that they are content for the Tribunal to resolve the outstanding issues relating to appropriate relief and permission to appeal without a further oral hearing

**AND UPON** the Tribunal giving its ruling on those issues in its judgment dated 25 February 2010 ([2010] CAT 9)

**IT IS ORDERED THAT:**

1. The decisions, findings and reasoning of the Commission in the report dated 19 March 2009 entitled “BAA airports market investigation” (“the Report”) in so far as they relate to the common ownership of airports set out, inter alia, at paragraph 8.4(a) and paragraph 10.377(a) of the Report be quashed
2. The matter be referred back to the Commission and the Commission be directed to reconsider and make a new decision in accordance with the Tribunal’s ruling
3. The remittal back set out in paragraph 2 above not take effect until the later of:
  - a. the Commission indicating that it does not intend to seek permission to appeal;
  - b. the definitive dismissal of any application for permission to appeal or any subsequent appeal; or
  - c. the expiry of the relevant periods for seeking permission to appeal or for appealing
4. The Commission’s and Ryanair’s requests for permission to appeal be refused
5. Costs be dealt with separately following written submissions by the parties

**The Honourable Mr Justice Barling**  
President of the Competition Appeal Tribunal

Made: 25 February 2010  
Drawn: 25 February 2010