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IN THE COMPETITION

Case No. 1110/6/8/09

APPEAL TRIBUNAL

Victoria House
Bloomsbury Place
London WC1A.2EB

Thursday 25 February 2010

Before:

THE HON. MR. JUSTICE GERALD BARLING
(President)
LORD CARLILE OF BERRIEW Q.C.
SHEILA HEWITT

Sitting as a Tribunal in England and Wales

BETWEEN:

BAA LIMITED

Applicant

-v-

COMPETITION COMMISSION

Respondent

- supported by -

RYANAIR LIMITED

Intervener

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HANDING DOWN

THE PRESIDENT: Good morning. The judgment now being handed down deals with certain matters arising out of the Tribunal's Main Judgment of 21 December 2009. These matters relate to relief and the Commission's and Ryanair's applications for permission to appeal against the Main Judgment.

The parties were largely in agreement as to the appropriate relief and, as explained in today's judgment, the Tribunal proposes to order that the decisions, findings and reasoning of the Commission in the report dated 19 March 2009 entitled "BAA airports market investigation" 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, and that 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. The Tribunal's order will also reflect the parties' agreement that the remittal back will not take effect until it has been determined whether there is to be an appeal, and if so until that appeal is resolved.

To the extent that other procedural additions to the order were suggested by Ryanair, we have declined to include them for the reasons set out in the judgment.

As far as the applications for permission to appeal by the Commission and Ryanair are concerned, these are refused for the reasons set out in the judgment.

The issue of costs will be dealt with separately, following written submissions by the Commission and BAA.

I should record that before the judgment was finalised, the Tribunal received and read a letter from the Treasury Solicitors on behalf of the Commission dated 23 February 2010. Due to an oversight a reference to that letter is not included in paragraph 15 of the judgment now handed down but this will be rectified before the judgment is published on the Tribunal's website.

Finally, I should record that the Tribunal is grateful for the helpful submissions received from all the parties, which enabled it to decide these matters without the need for a further oral hearing.