



**IN THE COMPETITION
APPEAL TRIBUNAL**

Case: 1185/6/8/11

BETWEEN:

BAA LIMITED

Applicant

-v-

COMPETITION COMMISSION

Respondent

-and-

RYANAIR LIMITED

Intervener

ORDER

UPON the Tribunal handing down its judgment in this matter on 1 February 2012 ([2012] CAT 3) (“the Judgment”)

AND UPON the Tribunal refusing the Applicant’s request for permission to appeal the Judgment and adjourning the question of costs by an order made on 12 March 2012 ([2012] CAT 5)

AND UPON the Applicant agreeing to pay the Respondent’s costs and the parties reaching agreement as to the form of costs order to be made

IT IS ORDERED THAT:

1. The Applicant, within 30 days of the date of this order, pay the Respondent the sum of £117,978.51 (“the Amount”) to an account to be advised by the Respondent;
2. In the event that the Judgment in this matter is overturned in whole or in part on appeal by the Court of Appeal (or otherwise determined in whole or in part in the Applicant’s favour) the Respondent will repay to the Applicant:

- a. the Amount; or
- b. the Amount less any costs still properly due to the Respondent as assessed if not agreed,

plus interest at the Bank of England Base Rate prevailing at the time any repayment is made, calculated on a daily basis from the date of payment of such sum by the Applicant in these proceedings, to the date of repayment by the Respondent; and

3. Nothing in this order prevents the Court of Appeal or the Tribunal from making any costs order on the application of any party covering any part of the proceedings in the event that the Judgment is overturned in whole or in part on appeal by the Court of Appeal (or otherwise determined in whole or in part in the Applicant's favour).

The Honourable Mr Justice Sales
Chairman of Competition Appeal Tribunal

Made: 22 March 2012
Drawn: 22 March 2012