



Neutral citation [2012] CAT 22

IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1196/4/8/12

BETWEEN:

RYANAIR HOLDINGS PLC

Applicant

-v-

COMPETITION COMMISSION

Respondent

- supported by -

AER LINGUS GROUP PLC

Intervener

ORDER

UPON the Tribunal handing down its judgment on 8 August 2012 ([2012] CAT 21) (the “Judgment”)

AND UPON reading the request, dated 10 August, by Ryanair Holdings plc (“Ryanair”) for permission to appeal the Judgment

AND UPON reading the observations of the Competition Commission and Aer Lingus Group plc, both dated 16 August, opposing the grant of permission

AND UPON the Competition Commission making an application to abridge the time for applying to the Court of Appeal for permission to appeal on 16 August

AND HAVING REGARD TO the test for permission to appeal in CPR 52.3(6) and the time limit for filing an appellant’s notice in CPR 52.4(2)(a)

IT IS ORDERED THAT:

1. Permission to appeal is refused.
2. The time for Ryanair to file an appellant’s notice be abridged to 28 August 2012.

REASONS

1. We consider that the proposed appeal has no real prospect of success. Both the case-law articulating the duty of sincere cooperation under Article 4(3) of the Treaty on European Union and the decision of the Court of Appeal in *Ryanair Holdings plc v Office of Fair Trading* [2012] EWCA Civ 643 make it clear that there is, on the facts of this case, no principle of law requiring the Competition Commission to cease its investigation.
2. There is no other compelling reason for this matter to be considered by a higher court.
3. This matter has a long history. It has given rise to proceedings in the EU dating as far back as 2007 and to proceedings in the UK since 2010. We consider that it would be desirable for the Court of Appeal to be able to consider any application for permission to appeal as quickly as is consistent with justice. Given the extensive work already done by Ryanair in formulating its grounds of appeal, we consider that it is appropriate to direct that Ryanair to renew its application for permission to the Court of Appeal (if so advised) within seven days of this Order pursuant to CPR 52.4(2)(a).

Marcus Smith Q.C.
Chairman of the Competition Appeal Tribunal

Made: 20 August 2012
Drawn: 20 August 2012