



Case No: 1593/6/12/23

**IN THE COMPETITION APPEAL TRIBUNAL**

BETWEEN:

- (1) AIRWAVE SOLUTIONS LIMITED
- (2) MOTOROLA SOLUTIONS UK LIMITED
- (3) MOTOROLA SOLUTIONS, INC.

Applicants

- v -

**COMPETITION AND MARKETS AUTHORITY**

Respondent

- and -

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Intervener

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**CONSENT ORDER**

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**UPON** the Respondent (“CMA”) having made The Mobile Radio Network Services Market Investigation Order 2023 (“**Charge Control Order**”) in exercise of its powers under the Enterprise Act 2002, pursuant to the decisions contained in the *Mobile radio network services: Final report* of 5 April 2023 (“**Report**”) and imposing a charge control remedy on certain pricing arrangements entered into by Airwave Solutions Limited and Motorola Solutions, Inc.

**AND UPON** the Charge Control Order having a commencement date of 1 August 2023 (the “**Commencement Date**”)

**AND UPON** the parties agreeing that the effects of the Charge Control Order are suspended until the Applicants’ (“**Motorola**”) application in these proceedings is determined by the Competition Appeal Tribunal (the “**Tribunal**”) (the “**Charge Control Suspension**”)

**AND UPON** the parties agreeing that the Charge Control Suspension is conditional on Motorola's undertaking to place the Intervener ("**Home Office**") in the same position as it would have been in from the Commencement Date of the Charge Control Order should the Tribunal reject Motorola's application in Case No. 1593/6/12/13 such that the decision in the Report to implement the charge control is not quashed and/or remitted to the CMA

**AND HAVING REGARD TO** rule 106 of the Competition Appeal Tribunal Rules 2015

**IT IS ORDERED BY CONSENT THAT:**

1. The Charge Control Order is suspended from the Commencement Date pending the judgment of the Tribunal in these proceedings.
2. If the Report is upheld in whole or part such that the decision in the Report to introduce a charge control stands, any additional suspension, pending further appeal, will require a separate application as part of any application for permission to appeal.
3. This Order becomes effective only upon receipt by the Tribunal of signed undertakings from Motorola Solutions, Inc. and Airwave Solutions Limited in the terms of the Schedule to this Order and shall remain in effect in accordance with the terms of those undertakings.
4. Costs in the case.

**Bridget Lucas KC**  
Chair of the Competition Appeal Tribunal

Made: 3 August 2023  
Drawn: 3 August 2023

## SCHEDULE

### *Undertakings*

[Name of the Applicant] hereby gives undertakings that, should the Tribunal reject Motorola's application in Case No. 1593/6/12/23, such that the decision in the Report to introduce a charge control stands, it will fulfil the following obligations, terms and conditions:

- (a) In line with Paragraph 4 of Schedule 1 of the Charge Control Order, Airwave Solutions Limited and Motorola Solutions, Inc. would be required to set charges for Core Services and Police Menu Services for the rest of 2023 (i.e. after the end of the Charge Control Suspension) such that they would expect the revenue received from the provision of those services from the Commencement Date through to the end of 2023 to be equal to the maximum level of revenue that Airwave Solutions Limited and Motorola Solutions, Inc. are allowed to receive in 2023,  $RevMax(CPM)_{2023(rem)}$ , as determined by paragraph 2 of Schedule 1 of the Charge Control Order.
- (b) By way of illustration, point (a) above could be achieved in practice by either (i) reflecting the absence of a charge reduction during the Charge Control Suspension in the level of charges applied in 2023 after the end of the suspension period, or (ii) by addressing the absence of a charge reduction during the Charge Control Suspension separately through the provision of appropriate charge rebates or credits before the end of 2023.
- (c) In addition to the above, [Name of the Applicant] will, use its best endeavours to ensure by means of the steps taken pursuant to paragraph (a) above that the Home Office and users of Core Services and Police Menu Services pay no more than they would have absent the Charge Control Suspension. Further, an interest payment will be made to the Home Office and users of Core Services and Police Menu Services (in appropriate proportions) in respect of the charge reduction that was not made during the Charge Control Suspension at the prevailing Bank of England Base Rate. [Name of the Applicant] may pay such sums by the means referred to in paragraph (b) above.

