



IN THE COMPETITION
APPEAL TRIBUNAL

Case No: 1428/6/12/21

BETWEEN:

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

Applicants

- v -

COMPETITION AND MARKETS AUTHORITY

Respondent

ORDER (COSTS)

UPON the Tribunal handing down its judgment on 2 February 2022 ([2022] CAT 4)

AND UPON the Respondent, on 24 February 2022, applying for an order that the Applicants pay its costs in the sum of £99,379.20 pursuant to rule 104(2) of the Competition Appeal Tribunal Rules 2015 (the “Application for Costs”)

AND UPON reading the Applicants’ subsequent reply to the Application for Costs dated 4 March 2022, inviting the Tribunal to summarily assess the costs payable by the Applicant

IT IS ORDERED THAT:

1. The Applicants pay the Respondent the sum of £75,000 in respect of the Respondent’s costs in these proceedings by no later than 4pm on 28 March 2022.

2. There shall be no other order as to costs in these proceedings.

REASONS:

1. The Tribunal's jurisdiction to award costs is set out in rule 104 of the Competition Appeal Tribunal Rules 2015. Rule 104 provides that the Tribunal has a discretion to make any order it thinks fit in relation to the payment of costs.
2. The Respondent applies for its costs in respect of the Applicant's application. Since the Respondent essentially succeeded in resisting the application, the Respondent ought to have its costs.
3. The Respondent's costs are summarily assessed at £75,000. This was an application that was subject to a very tight procedural timetable, and this no doubt meant that more persons at the Respondent needed to be deployed than would otherwise be the case. However, this will no doubt have caused a level of inefficiency, and for that reason the costs have been reduced to the sum of £75,000.
4. The rates of those deployed are reasonable, indeed on the commendably low side. It would be wrong to reduce the costs recovery of the Respondent any further.

Sir Marcus Smith
President of the Competition Appeal Tribunal

Made: 14 March 2022
Drawn: 14 March 2022