

**IN THE MATTER OF THE CIVIL AVIATION ACT 2012 BEFORE THE
COMPETITION AND MARKETS AUTHORITY ('CMA')**

BETWEEN:

BRITISH AIRWAYS PLC ('BA')

DELTA AIR LINES, INC ('Delta')

HEATHROW AIRPORT LIMITED ('HAL')

VIRGIN ATLANTIC AIRWAYS LIMITED ('VAA')

Appellants

and

THE CIVIL AVIATION AUTHORITY ('CAA')

Respondent

ORDER OF THE CMA

UPON reading the Notices of Appeal from each of the Appellants against the decision of the CAA to modify the conditions of the licence of HAL to give effect to the CAA's H7 Final Decision (the 'Final Decision');

AND UPON the CMA granting the Appellants permission to appeal the Final Decision subject to the condition that certain of the appeals and grounds be considered together as Joined Ground A, Joined Ground B and Joined Ground C;

AND UPON the CMA deciding on 16 May 2023 to extend the period for determination of each of the appeals until 17 October 2023 pursuant to section 28 of the Civil Aviation Act 2012;

AND UPON the CMA granting the applications for permission to intervene of HAL, BA and Delta;

AND UPON the CMA considering the grounds of appeal and the representations and submissions of the parties, including submissions on the CMA's provisional determination issued on 8 September 2023;

AND UPON the CMA issuing its reasoned determinations in respect of these proceedings on 17 October 2023 (the '**Final Determination**');

AND UPON the CMA considering the submissions made on the matter of costs incurred in connection with these proceedings, including submissions on the CMA's provisional determination on costs, and the CMA having made a final determination on costs (the '**Costs Determination**') on 7 February 2024;

IT IS ORDERED THAT:

Commencement and interpretation

1. This Order shall take effect on the date it is made.
2. For the purposes of this Order, capitalised terms not otherwise defined have the meanings given in the Final Determination and the Costs Determination except where otherwise indicated.

Costs incurred by the CMA

3. The CMA's costs incurred in connection with the appeal being £1,208,014 shall be paid by those mentioned and in the proportions as set out below:
 - (a) BA: £196,131.
 - (b) CAA: £170,681.
 - (c) Delta: £196,131.
 - (d) HAL: £448,941.
 - (e) VAA: £196,131.

Inter partes costs

4. In respect of costs reasonably incurred by the CAA in connection with these proceedings, these shall be paid by the appellants and in the net amounts as set out below:

(a) BA: £[✂].

(b) Delta: £[✂].

(c) HAL: £[✂].

(d) VAA: £[✂].

5. The appellants shall also pay the CAA any applicable value added tax pursuant to practice direction 44 of the civil procedure rules.

Time for payment of costs

6. A person required by this Order to make a payment of costs must do so before the end of the period of 28 days beginning with the day after this Order comes into effect.
7. In default of payment within the period prescribed in paragraph 6 of this Order, interest shall be payable on the sums unpaid at one percentage point above the Bank of England's base rate in force.

Kirstin Baker

Group Chair

7 February 2024