

Detail of proposed undertakings relating to non-discrimination

1. BAA should undertake not to make any agreement or embark upon any practice in relation to the provision of specific airport facilities and/or services with one customer, which may significantly impact the competitive position of other customers at the airport for a significant period of time, unless BAA has taken the following steps, prior to the agreement being made or the practice commenced:
 - (a) other airlines likely to be significantly affected directly or indirectly by the agreement or practice (the affected airlines), have been informed by BAA of the principal features and impacts of the agreement or practice, in so far as relevant to their need to evaluate its potential for impacting their competitive position;
 - (b) concurrently to (a), the affected airlines have been notified by BAA of the range of feasible options to deal with the situation, including, where reasonable, the possibility of reduced charges to reflect the competitive disadvantage caused by the proposed agreement or practice to their operation;
 - (c) the affected airlines have been given the opportunity to comment on the proposed agreement or practice and to communicate to BAA their preferred remedial action within reasonable timescales;
 - (d) in the absence of agreement between BAA and the affected airlines on a mutually satisfactory remedial action, there would be a defined process of third-party adjudication, the cost of which would be shared between BAA and the affected airlines; and
 - (e) following agreement or adjudication, any further significant changes to the remedial action (in particular changes to the timing of implementation or nature of the remedial action) between BAA and the affected airlines would be subject to steps (a) to (d).