

Detail of proposed measures relating to fairness of treatment

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 airline customer or group of airline customers which may have a significant effect on the competitive position of other airline customers at the airport for a significant period of time (to be defined), 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 in writing and in a timely manner by BAA of the principal features and effects of the agreement or practice, in so far as relevant to their need to evaluate its potential for affecting 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 in a timely manner (to be defined) 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 (including timescales) of formal third-party dispute resolution; and
 - (e) following agreement, 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).
2. For the avoidance of doubt, these processes are not intended to affect day-to-day commercial negotiations between BAA and the airlines or the resolution of day-to-day operational issues. As part of the process in paragraph 10.255, BAA and the airlines should agree the nature and scale of activities excluded from this process.