

## UNDERTAKINGS TO THE OFFICE OF FAIR TRADING

**BMIBABY LIMITED** ("the Company") has agreed to provide undertakings to the Office of Fair Trading ("the OFT") in response to an investigation by the OFT into possible breaches of the Consumer Protection from Unfair Trading Regulations 2008 ("the CPRs"). However, in agreeing to give such undertakings the Company does not admit any breach of the CPRs or of any other applicable laws as may have been alleged by the OFT in its letter to the Company dated 14 February 2012.

This undertaking applies to any conduct of the Company as described below that takes place and has an impact on consumers located in any place throughout the European Economic Area.

For the purpose of these undertakings, "Headline Price" is any price stated as being available in any of the Company's advertising (in any medium) in relation to any particular route, including the price(s) first displayed to a customer further to a specific flight or holiday search on the Company's website.

The Company gives the following undertakings to the OFT for the purpose of section 219 of the Enterprise Act 2002 ("EA02"):

1. The Company has publicly announced that it has commenced consultations with its staff on the basis that it will cease to operate all flight services from the 10<sup>th</sup> September 2012. The undertakings below are therefore conditional on the Company continuing to operate on the 11<sup>th</sup> September 2012 (the "Effective Date") one or more scheduled flight services.
2. Subject to paragraph 1, commencing on the Effective Date, the Company will not charge consumers an additional fee, above any charges included in the Headline Price, in respect of the use of a debit card in payment for the booking of any flights or ancillary services.
3. Subject to paragraph 1, commencing on the Effective Date, if the Company charges consumers any additional fee, above any charges included in the Headline Price, in respect of the use of any means of payment other than a debit card, such a fee will not be described in any of its advertising as an "administration", "transaction", "booking or "handling" fee or in any similar manner that would give a false impression to average consumers that it reflects

the costs incurred by the Company to the extent that the amount of the fee is more than the Company's reasonable estimate of the increased cost to the Company (on an average, total cost basis) resulting from use of that payment method compared to payment by debit card (on a similar basis).

4. Subject to paragraph 1, commencing on the Effective Date, the fact that any such additional fee applies to payments or bookings made other than by debit card will be communicated to consumers in clearly visible text (taking account of the limitations of the medium used for such communication (including limitations of space or time)) in any advertising which displays the Headline Price and on each page of the Company's website where the Headline Price is displayed in clearly visible text and by means of a prominent link to a list of charges.
5. The Company's website and other marketing materials will comply with the undertakings given in paragraphs 2 to 4 above.
6. The Company will not (whether by its officers, employees, agents, or otherwise or by directing any other entity or individual) consent to or connive in conduct which infringes paragraphs 1 to 4 above by another body corporate with which it has a special relationship (within the meanings of section 222(3) of the Enterprise Act 2001).

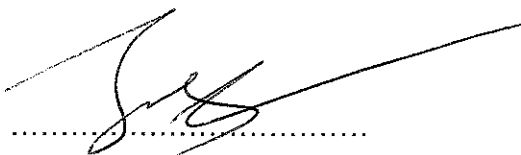
I am authorised to sign these undertakings on behalf of Bmibaby Limited.

JULIAN CARR

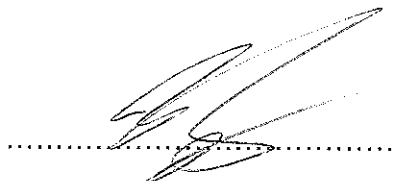
Director (print name)

JAMES BYRNE

Witness (print name)



Director's signature



Witness's signature

Date 17 MAY 2012

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