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The Appeal Court: Khabarovsk Airport was preventing entry of "Aeroflot - Russian Airlines" OJSC to the market of aviation fuel and the market for aviation supply services.

On 20th July 2010, the 9th Arbitration Appeal Court confirmed validity of the decision and determination issue by the Federal Antimonopoly Service (FAS Russia) regarding "Khabarovsk Airport" OJSC.

On 2nd October 2009, FAS Russia found that "Khabarovsk Airport" OJSC abused market dominance (in violation of Part 1 Article 10 of the Federal Law "On Protection of Competition").

"Aeroflot - Russian Airlines" OJSC applied to "Khabarovsk Airport" OJSC for independent delivery of the company's own aviation fuel to re-fuel its aircrafts in Khabarovsk airport. The cost of Aeroflot fuel is lower than the cost of fuel offered by "Khabarovsk Airport" OJSC. However, "Khabarovsk Airport" OJSC refused to provide a possibility to "Aeroflot - Russian Airlines" OJSC to deliver the company's own fuel explaining its decision by the need to change the work technique of the refueling complex of "Khabarovsk Airport" OJSC and carry out repair works in the receiving terminal.

Thus, "Khabarovsk Airport" OJSC refused to provide a possibility to "Aeroflot - Russian Airlines" OJSC to deliver fuel to the "new Khabarovsk" airport for its centrally scheduled flights and to provide fuel storage services.

"Khabarovsk Airport" OJSC filed a claim to the Arbitration Court and later - to the Appeal Court, which, however, confirmed the rightness of the FAS Russia's position.

"Such actions of "Khabarovsk Airport" OJSC restricted competition by preventing entry of "Aeroflot - Russian Airlines" OJSC to the market of aviation fuel and the market for aviation supply services" says Deputy Head of FAS Russia Anatoly Golomolzin. "Possibilities of air carriers to independently purchase fuel by organizing tenders, trading on a commodity exchange or signing long-term contracts with fuel producers help reduce its costs. Numerous cases, particularly, against airport fuel- and-refueling complexes, allowed us to reduce the costs of into-plane fuelling by 1.5 times in comparison with the period of crisis (2008). In the overall cost structure, fuel expenditures of airlines have reduced from 45% in 2008 to 24% in 2010. It is a factor of principal importance for cutting down air fare."