

Cassation Court: “Anapa” Airport” OJSC unlawfully refused to provide possibility to “Aeroflot – Russian Airlines” OJSC for delivering its own fuel in Vityazevo airport

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On 10th August 2010, the Federal Arbitration Court of the Moscow District dismissed the claim of “Anapa” Airport” OJSC and confirmed validity of the decision made by the Federal Antimonopoly Service (FAS Russia).

On 24th June 2009, FAS Russia found that “Anapa” Airport” OJSC violated Part 1 Article 10 of the Federal Law “On Protection of Competition” (abusing market dominance). FAS did not issue a determination because the company terminated its activities for providing fuel to aircrafts.

“Anapa” Airport” OJSC violated the law by refusing to provide “Aeroflot – Russian Airlines” OJSC possibility to deliver its own fuel in Anapa airport (Vityazevo), which resulted or could have resulted in infringing the interests of “Aeroflot – Russian Airlines” OJSC and restricting competition on the market of air transportation.

Courts confirming legitimacy of the FAS Russia’s decisions on ensuring access to airport services and infrastructure show development of the necessary law-enforcement practice on the issues of providing access to airport services.

FAS Russia fined the company 400,000 Rubles. The fine is being challenged at court.

“Such actions of the airport restricted competition by preventing entry of “Aeroflot – Russian Airlines” OJSC to the market of aviation fuel and services for supplying aviation fuel”, says Dmitry Routenberg, the Head of the FAS Russia’s Department for Control over Transport and Communications. “This is yet another case in the series of cases against airports considered by FAS Russia. These cases enabled us to cut down the cost of into-plane fuelling by 1.5 times in comparison with 2008. This is of principal importance for developing competition on the market of air transportation and reducing air fares”.