

Summary decision of Competition Council Plenum

No. APD-59 from 10/09/2015

On 05/02/2015, the Competition Council received „MGH Ground Handling” LTD complaint where it is claimed the „Avia Invest” LTD actions concerned the „Avia Invest” LTD refusal to conclude lease contracts and other airport services (ground handling, use lines connecting the airport complex, communal services, medical services under airport terminal, electricity supply connection).

During the investigation the relevant market was determined as *market land lease provision of technical services, accommodations and related services (communal services, electricity supply connection and use lines) in a restricted area of the AIC and the airport terminal building.*

Considering that, according to art. 10 para. (4) of the Competition Law no. 183 of 11/07/2012, it is presumed, until proven otherwise, that one or more undertakings are dominant on a relevant market if the quota or cumulative quota concerned the relevant market, recorded in the period under review, exceeding 50%, and the fact that the area owned by "Avia Invest" LTD significantly exceeded 50% of the total security restricted area of the AIC, it was found that the company "Avia Invest" LTD holds a dominant position in the land tenancy provision of technical services, accommodations and related services (communal services, electricity supply and use of connection lines) in a restricted area of the AIC and the terminal building. In this context, the "Avia Invest" LTD company applied in relation to ground handling enterprises in a restricted area of AIC unfair conditions to equivalent transactions, and therefore violated art. 11 para. (2) letter c) of the Competition Law no. 183 of 11/07/2012.

Thus, by Competition Council Decision to the "Avia Invest" LTD company was imposed a fine of 5 189 226,73 lei (five million one hundred and eighty-nine thousand two hundred twenty-six lei 73 bani).