

Summary decision of Competition Council Plenum

No. APD-50 from 16/07/2015

The Competition Council initiated, on „Le Bridge Corporation Limited” LTD request, the investigation concerning alleged abuse of dominant positions by „Dufremol” LTD and „Moldclassica International” LTD on bringing civil and administrative actions in various courts (those actions were directed specifically towards cancellation of the lease agreement for the duty-free shop location, signed between SE „Chisinau International Airport” and "Le Bridge Corporation Limited" LTD, and cancellation of the Tender results through which "Le Bridge Corporation Limited" LTD was announced as the winner of the contest to open a network of duty-free shops at the international state border crossing Costești - Stâncă, Cahul - Oancea, Leușeni - Albița, Sculeni, Ungheni - Cristesti).

During the investigation the relevant product market was determined as *market trading of goods through duty-free shops* and the relevant geographic market - *special places located in Chișinău International Airport and at the international state border crossing Costești - Stâncă, Cahul - Oancea, Leușeni-Albița, Sculeni, Ungheni - Cristesti.*

The period under review is the period November 2009 - April 2013, since the actions under investigation were launched in 2009 and had continued until 2013, when the International Centre for Settlement of Investment Disputes (ICSID) adopted the decision Case. ARB/11/23 between the applicant [...] and Moldova.

In their defense „Moldclassica International” LTD and „Dufremol” LTD have communicated that they bases their actions in accordance with Art. 20 of the Constitution of Republic of Moldova, Art. 5 paragraph. (1) of the Civil Procedure Code of Republic of Moldova No. 225 of 30 May 2003 and the provisions of Art. 6 item 1 of the European Convention on Human Rights and Fundamental Freedoms, so are consistent both with national legislation and international scrutiny, and denounced behavior does not violate the competition rules and therefore fall outside the scope of the Law of competition protection nr.1103-XIV of 30.06.2000.

In this context, on 29.07.2011 [...], the owner and sole shareholder of „Le Bridge Corporation Limited” LTD submitted a Request for Arbitration filed against Moldova at the International Centre for Settlement of Investment Disputes ("ICSID"), and he pronounced its decision by giving the plaintiff a won of the case only in terms of litigation related store in Chisinau International Airport and in this context on 12.22.2014, on the Government meeting, it was decided that the

Ministry of Finance to pay the expense of the state budget to the benefit of [...] amounting to 35,136,294 lei.

Therefore, in the context of the above there is no infringement of Art. 6 letter f) of the Law of competition protection nr.1103 of 30.06.2000.

Thereby, due to decision of Competition Council Plenum it was cease the examination of the case in absence of composition breach infringement.