

**DECISION OF THE GOVERNMENT OF THE RUSSIAN FEDERATION
NO. 293 OF APRIL 23, 2008 ON THE STATE REGULATION AND
CONTROL OF PRICES (TARIFFS, FEES) FOR SERVICES OF
NATURAL MONOPOLIES' ENTITIES AT TRANSPORT TERMINALS,
PORTS, AIRPORTS AND FOR SERVICES OF USING THE
INFRASTRUCTURE OF INTERNAL WATER WAYS**

Under Article 6 of the Federal Law on Natural Monopolies, the Government of the Russian Federation hereby:

1. Approves as attached hereto:

the Regulations on the State Regulation and Control of Prices (Tariffs, Fees) for Services of Natural Monopolies' Entities at Transport Terminals, Ports, Airports and for Services of Using the Infrastructure of Internal Water Ways;

List of services provided by natural monopolies' entities in sea ports the prices (tariffs, fees) for which are regulated by the state;

List of services provided by natural monopolies' entities in river ports the prices (tariffs, fees) for which are regulated by the state;

List of services provided by natural monopolies' entities on using the infrastructure of internal water ways the prices (tariffs, fees) for which are regulated by the state;

List of services provided by natural monopolies' entities at transport terminals the prices (tariffs, fees) for which are regulated by the state;

List of services provided by natural monopolies' entities at airports the prices (tariffs, fees) for which are regulated by the state.

2. The Ministry of Transport of the Russian Federation shall be required, in the established procedure and by agreement with the Federal Service on Tariffs, the Ministry of Economic Development and Trade of the Russian Federation and the Federal Antimonopoly Service:

a) to prepare and approve, prior to December 1, 2009, the procedure for keeping separate records of income and expenditure by kinds of activities associated with provision of services by natural monopolies' entities at transport terminals, ports, airports and services of using the infrastructure of internal water ways;

b) to prepare and approve within a 6-month period a list of fees collected from vessels directly in each river port (port dues) and also a list of fees charged for services of using the infrastructure of internal water ways.

3. To amend the List of products of production-technical purpose, consumer goods and services, the state regulation of whose prices (tariffs) in the domestic market of the Russian Federation is effected by the Government of the Russian Federation and federal executive authorities, approved by Decision of the Government of the Russian Federation No. 239 of March 7, 1995 on Measures Towards Improving the State Regulation of Prices (Tariffs) (Sobraniye Zakonodatelstva Rossiyskoy

Federatsii, 1995, No. 11, item 997; 1996, No. 7, item 690; No. 32, item 3942; 1997, No. 27, item 3232; 1998, No. 32, item 3907; 2001, No. 7, item 656; No. 26, item 2680; No. 36, item 3561; 2002, No. 15, item 1431; 2004, No. 51, item 5184; 2008, No. 1, item 3; No. 7, item 597) as follows:

a) paragraphs ten and eleven shall read as follows:

"The services at transport terminals, ports and services of using the infrastructure of internal water ways

The services of the ice-breaking fleet on the routes of the Northern Sea Way";

b) paragraph thirteen shall read as follows:

"Services at airports".

4. To invalidate Decision of the Government of the Russian Federation No. 116 of March 1, 2004 on Approval of the Regulations on Establishing and Applying Tariffs for Cargoes' Loading and Discharge and Associated Services of Internal Water Transport (Sobraniye Zakonodatelstva Rossiyskoy Federatsii, 2004, No. 10, item 869).

Chairman of the Government of the Russian Federation

V. Zoubkov

Regulations on the State Regulation and Control of Prices (Tariffs, Fees) for Services of Natural Monopolies' Entities at Transport Terminals, Ports, Airports and for Services on Using the Infrastructure of Internal Water Ways (approved by Decision of the Government of the Russian Federation No. 293 of April 23, 2008)

1. These Regulations determine:

a) the goals and methods of the state regulation of prices (tariffs, fees) for services of natural monopolies' entities at transport terminals, ports, airports and for services of using the infrastructure of internal water ways (hereinafter referred to as tariffs);

b) the foundations of pricing for services of natural monopolies' entities at transport terminals, ports, airports and for services of using the infrastructure of internal water ways;

c) the rules of the state regulation of tariffs and also of control on issues relating to definition (establishment) and application of the tariffs.

2. The notions used in these Regulations shall mean as follows:

"bodies of regulation" - the Federal Service on Tariffs and executive power bodies of the subjects of the Russian Federation effecting state regulation of tariffs and control on issues relating to definition (establishment) and application of same, in the procedure prescribed under the legislation of the Russian Federation;

"agent of regulation" - an entity of natural monopoly providing services at transport terminals, ports, airports and services of using the

infrastructure of internal water ways tariffs for which are subject to the state regulation and control under the legislation of the Russian Federation.

3. The state regulation of tariffs shall be effected for the following purposes:

a) to create conditions for the stable, safe functioning and dynamic development of transport terminals, ports, airports and the infrastructure of internal water ways on the basis of securing a balance of interests between the agents of regulation and users of their services and also to promote competition in the market of transport services and cut down transport expenses;

b) to provide for accessibility of services at transport terminals, ports, airports and services of using the infrastructure of internal water ways;

c) to improve the quality of services offered.

4. The state regulation of tariffs shall be effected by the bodies of regulation within their respective competence.

5. The tariffs for services of agents of regulation shall be fixed by the bodies of regulation in relation to each specific agent of regulation in accordance with the lists approved by the government of the Russian Federation of services of natural monopolies' entities at transport terminals, ports, airports and services of using the infrastructure of internal water ways whose tariffs are regulated by the state.

6. The bodies of regulation shall, within their competence, establish the rules of tariff application, the procedure for publication and putting into effect of tariffs that are fixed and the rules of application of same and also approve amendments to be made thereto, unless otherwise is envisaged under the legislation of the Russian Federation or international agreements of the Russian Federation.

7. The tariffs shall be established as fixed (limiting maximum or minimal) price rates of tariffs. The fixed (limiting, maximum or minimal) rates of tariffs may be established both as absolute values and also as indices to the prevailing level of tariffs.

The minimal amount of tariffs shall provide for the coverage of expenditures of the agents of regulation for services rendered with due regard for the scope of those services.

8. The procedure for computing tariffs (indices to the prevailing level of tariffs) shall be such as prescribed by the Federal Service on Tariffs, unless otherwise is stipulated under the legislation of the Russian Federation.

9. The principles of tariffs; differentiation shall be determined by the body of regulation with due regard for the terms of rendering services by the agents of regulation, affecting the amount of expenditures associated with the provision of those services.

10. The state regulation of tariffs shall be effected on the basis of separate record-keeping of income and expenditure by types of activity of the agents of regulation.

11. The basic method of state regulation of tariffs for services of agents of regulation shall be a method of economically substantiated expenses.

12. To calculate the tariffs it is required to determine the amount of essential currency receipts, with account being taken of:

a) expenses incidental to the provision of services by the agents of regulation, including:

expenses associated with regular types of activity, except for the amount of accrued depreciation;

expenses relating to the payment for services rendered by credit institutions and also expenses incidental to participation in joint activity;

b) deductions towards depreciation of the fixed assets which are determined by using the bookkeeping data of the agent of regulation;

c) the normative profit to be assessed proceeding from the value of the fixed assets and other assets essential for providing appropriate services by the agents of regulation, as per the bookkeeping data and the rate of profits (profitability) on capital. The rate of profits (profitability) on capital shall be determined by the body of regulation for each agent of regulation in compliance with the methodology of calculation of the amount of economically substantiated expenditures and the normative profits accounted for in the formation of regulated tariffs to be approved by the Federal Service on Tariffs in the established procedure;

d) taxes and other obligatory payments and fees to be paid under the tax legislation of the Russian Federation;

e) subsidies and subventions for account of the funds of the federal budget and budgets of the subjects of the Russian Federation and municipal entities.

13. The bodies of regulation shall, in determining economically substantiated expenditures have the right to disregard (exclude from the base of calculation) the unsubstantiated expenditures of the agent of regulation resulted from the irrational use of production resources and the funding for account of the receipts from provision of services whose tariffs are subject to the state regulation, other activities not categorised as those services.

The funds identified as per the data of financial statements, under individual items of expenditures, and utilised by the agent of regulation in the course of the current and preceding periods of regulation not in accordance with the forecast of the financial-economic activity of the agent of regulation adopted by the bodies of regulation in establishing (altering) tariffs for appropriate periods, may be considered by the bodies of regulation when establishing (altering) tariffs for the subsequent period of regulation as the source of coverage of expenditures during that period.

14. For purposes of creating conditions for investments, improving the effectiveness of operation of the agents of regulation and introducing novel technologies in assessing the amount of essential gross receipts

within the recoupment period of investment projects aimed at improving the effectiveness of activity of the agent of regulation and cutting its expenditures and also within two years after the termination of said period, the expenses of the agent of regulation shall be taken without regard for reduction of same as a result of realisation of those investment projects.

15. The Federal Service on Tariffs shall approve the methodological guidelines (methods) on the state regulation of tariffs to be applied by the bodies and agents of regulation.

16. The procedure for considering issues regarding the establishment (alteration) of tariffs and also list of documents to be submitted to establish (alter) tariffs shall be such as prescribed by the Federal Service on Tariffs.

17. The bodies of regulation shall, within their respective competence, exercise state control over issues associated with the assessment (establishment) and application of tariffs within the areas of activity of the agents of regulations (hereinafter referred to as state control).

18. The state control shall be exercised by conducting activities of state control (hereinafter referred to as activities) as audits of the financial-economic activity of the agents of regulation with the objective of determining the accuracy, economic justification of expenditures and other indices of the agents of regulation to be considered in establishing tariffs, economic justification of actual spending of funds to carry out operations (to provide services) and also the accuracy of application of regulated tariffs.

Other federal executive bodies and executive bodies of the subjects of the Russian Federation may be involved by agreement in the activities.

19. When carrying on the activities, the bodies of regulation shall have the right of free access to information on the operation of the agents of regulation, that may be available with the executive bodies and local self-government bodies and also with the agents of regulation.

The agents of regulation, executive bodies and local self-government bodies shall be obligated, at the request of the bodies of regulation, to provide faithful documents, explanations both orally and in writing and other information that may be essential for carrying on the activities.

Data which constitute commercial secrets, obtained by the body of regulation pursuant to this item, shall not be disclosed, except for the instances envisaged under the legislation of the Russian Federation.

20. In conducting the activities, the bodies of regulation shall have the right to engage the services of independent organisations to make expert assessments, carry out operations, investigations (examinations). Payment of the cost of operations executed by outsource organisations shall be effected by using the funds of the bodies of regulation.

21. The activities realised as field audits and also audits conducted at the location of the bodies of regulation shall be undertaken by the directive (order) of the bodies of regulation. The directive (order) to conduct the activities shall specify:

- a) number and date of directive (order) to conduct the activities;

- b) name of the body of state control (body of regulation);
- c) surname, first name, patronymic and position of the person (persons) authorised to conduct the activities;
- d) full name, address of location of the state registration of independent organisation and also surnames, first names, patronymics and positions of organisation's officials involved in the activities when such organisation is invited to participate in the field audit;
- e) name of the agent of regulation in respect of which the activities are conducted and also location of auditing;
- f) the goals, tasks and subject-matter of the activities;
- g) the legal grounds for conducting the activities, including the regulatory legal acts whose binding requirements are subject to the audit;
- h) dates of the start and termination of activities.

22. The directive (order) to conduct activities or its copy duly certified by the seal of the body of regulation shall, when conducting field audit, be produced by official in charge of the activities to the head of the agent of regulation or other person authorised to act on behalf of the agent of regulation. When audit is performed at the location of the body of regulation a copy of the directive (order) to conduct the activities shall be forwarded to the agent of regulation by registered mail with notification of delivery.

23. The activities may be undertaken only by official (officials) designated in the directive (order) to conduct the activities.

24. The length of the activities shall not exceed one month.

In exceptional cases connected with a substantial scope of activities, the head of the body of regulation or his/her authorised deputy shall have the right, on the basis of a motivated proposal made by official in charge of activities, to extend the period of activities not more, however, than for one month.

25. With the aim of performing the functions of state control the bodies of regulations shall conduct both scheduled and unscheduled activities.

A particular agent of regulation may be subjected to scheduled activity not oftener than once every two years.

Unscheduled activities in respect of the agents of regulations may be undertaken given sufficient data testifying to infringements of the requirements of the Federal Law on Natural Monopolies that may be discovered, among other things, when receiving information (applications, complaints) from citizens and legal persons on the violation of their rights and legitimate interests through actions (inaction) of the agents of regulation associated with failure on their part to comply with the binding requirements and also in getting other information supported with documents and other proofs suggesting the availability of elements of those violations.

26. When conducting activities officials of the bodies of regulations shall have no right:

a) to check compliance with the binding requirements that do not fall within the competence of the bodies of regulation;

b) to demand that documents and information be provided that are not the targets of activities and irrelevant to the subject-matter of the audit nor to confiscate original documents irrelevant to the subject-matter of the audit;

c) to disseminate information constituting secrets protected under the law and obtained as a result of conducting activities, except for the instances envisaged under the legislation of the Russian Federation;

d) to exceed the prescribed periods for conduct of activities.

27. On the basis of the results of activities the official (officials) of the body of regulation in charge of the audit shall draw up an audit report in duplicate after the form to be approved by the Federal Service on Tariffs which report shall state as follows:

a) date, time and location of preparing the report;

b) name of the body of state control (body of regulation);

c) date and number of the directive on the basis of which the activities were conducted;

d) surname, first name, patronymic and position of person (persons) who conducted the activities;

e) name of the agent of regulation subject to the audit, surname, first name, patronymic and position of representative of the agent of regulation attending the activities;

f) date, time and location of activities;

g) data on the results of activities, including on the infringements that were detected, their nature and on the persons who are held responsible for those infringements;

h) data regarding familiarisation or refusal of the head of the agent of regulation or other person authorised to act on behalf of the agent of regulation and also persons attending the activities to get familiar with the report, their signatures or data regarding refusal to sign the report;

j) signature of the official (officials) who conducted the activities.

28. The report shall enclose protocols (conclusions) of examinations that were made, letters of findings of officials of the federal executive bodies, officials of executive bodies of the subjects of the Russian Federation involved in the conduct of activities, explanations of officials of the agent of regulation and other documents or copies of same pertaining to the results of activities.

29. The audit report (first copy) along with the copies of enclosures shall be handed in to the head of the agent of regulation (or other person duly authorised to act on behalf of the agent of regulation) against a receipt or shall be sent by mail with notification of delivery which notification shall be attached to the audit report (second copy) kept in the file of the body of regulation.

30. The results of activities containing data that constitute state secrets shall be executed subject to requirements specified under the legislation of the Russian Federation on protection of state secrets.

31. The officials of the bodies of regulation shall, in conducting activities, be obligated:

a) timely and in the full measure to exercise the powers granted under the legislation of the Russian Federation associated with prevention, detection and suppression of infringements of the binding requirements envisaged under the legislation of the Russian Federation on natural monopolies;

b) to observe the legislation of the Russian Federation, the rights and legitimate interests of the agents of regulation;

c) to carry on activities on the basis of and strictly in conformity with the directives (orders) of the bodies of regulation on the conduct of activities.

32. The head of the agent of regulation (other person duly authorised by him/her) shall, while conducting activities, have the right:

a) in case of a field audit, to directly attend the activities conducted;

b) to provide explanations on issues relating to the subject-matter of the audit;

c) to get familiar with the results of activities and make a note in the audit reports as to him/her being familiar with, in agreement or disagreement thereto and also to individual actions of officials of the bodies of regulation;

d) to appeal the actions (inaction) of officials of the bodies of regulation as is provided under the legislation of the Russian Federation.

33. The agent of regulation shall, in case of a field audit, ensure, at the request of the bodies of regulation, the presence of its officials whose official duties are connected with the activities conducted.

34. The results of the activities shall be considered by the bodies of regulation in exercising state regulation, among other things, they may serve as the basis for revision of tariffs for services of the agents of regulation.

**List of Services of Natural Monopolies' Entities at Transport
Terminals Whose Prices (Tariffs, Fees) are Regulated by the State
(approved by Decision of the Government of the Russian Federation
No. 293 of April 23, 2008)**

1. Loading and unloading of cargoes (except for the services on loading and unloading of oil and oil products)

2. Storage of cargoes

**List of Services Provided by Natural Monopolies' Entities in Sea Ports
the Prices (Tariffs, Fees) for Which are Regulated by the State**

**(approved by Decision of the Government of the Russian Federation
No. 293 of April 23, 2008)**

1. Ensuring safety of sea navigation and order at the port
2. Provision for the passage of vessels along approach channels
3. Provision for pilotage
4. Ice-breaking support for all-the-year-round navigation
5. Providing vessels with lighthouse structures and equipment and also with transit marks
6. Providing vessels with water area, roadsteads, area for anchorage and services of vessels' traffic control systems at the port and on approaches thereto
7. Providing wharfs
8. Ensuring the ecological safety at the port
9. Loading and unloading of cargoes
10. Storage of cargoes
11. Services of tugboats
12. Services to vessels at railway-ferry crossings
13. Services to passengers

**List of Services of Natural Monopolies' Entities at River Ports Whose
Prices (Tariffs, Fees) are Regulated by the State (approved by
Decision No. 293 of April 23, 2008 of the Government of the Russian
Federation)**

1. Ensuring the safety of navigation and order at the port
2. Providing vessels with roadsteads, areas for anchorage, protective structures and port wharfs
3. Provision of pilotage (inside-port pilotage)
4. All-round servicing of the fleet
5. Services of tugboats
6. Loading and unloading of cargoes
7. Storage of cargoes
8. Services to passengers

**List of Services of Natural Monopolies' Entities at Airports Whose
Prices (Tariffs, Fees) Are Regulated by the State (approved by
Decision No. 293 of April 23, 2008 of the Government of the Russian
Federation)**

1. Provision for the take-off, landing and parking of aircraft
2. Provision of an air-terminal complex
3. Ensuring the aviation safety
4. Services to passengers

List of Services of Natural Monopolies' Entities of Using the Infrastructure of Internal Water Ways Whose Prices (Tariffs, Fees) Are Regulated by the State (approved by Decision of the Government of the Russian Federation No. 293 of April 23, 2008)

1. Ensuring safety of vessels' navigation along internal water ways
2. Navigation-hydrographic provision of conditions for vessels' navigation along internal water ways
3. Provision of pilotage
4. Ice-breaking support in winter conditions of navigation
5. Provision for the passage of vessels along navigable hydroengineering structures
6. Provision for the passage of foreign vessels along internal water ways