

## NOTICE OF APPLICATION FOR EXEMPTION

- Applicants:
1. Esso Petroleum Company Limited (“**Esso**”)
  2. Crowe Holdings Limited trading as Three Mile Garage (“**Crowe**”)
- Agreement: Esso and Crowe have agreed to exclusively sell and purchase respectively motor fuel, to be retailed at the site of Three Mile Garage, La Grande Route de St. Martin, St. Saviour, Jersey JE2 7GT.
- Industries Involved: The provision of motor fuel in Jersey for retail purposes.

The JCRA has received a request for an exemption under Article 9 of the Law concerning a Motor Fuels Supply Agreement (the ‘Agreement’) between Esso and Crowe dated 24 April 2009. Under the Agreement, Crowe agrees to purchase motor fuels exclusively from Esso on a wholesale level for retail sale at the Three Mile Garage in Jersey. Crowe also acquires the right to use Esso trade marks in its sale of motor fuels. In addition to supplying motor fuels to Crowe, Esso agrees to support Crowe in certain ways, including by contributing to pump maintenance at the said filling station. The term of the Agreement is 5 years.

As the Agreement requires Crowe to purchase its total requirements of motor fuels from Esso during the term, it can be seen as restricting competition by eliminating the ability of Crowe to potentially purchase motor fuels from other actual or potential suppliers. However, Esso states that the Agreement satisfies the exemption criteria.

The JCRA invites any comments regarding the application for exemption. The deadline for comments is 3 June 2009. Please make your comments by letter marked for the attention of Elaine Kelly, at 2nd Floor, Salisbury House, 1 – 9 Union Street, St Helier, Jersey JE2 3RF or by e-mail to [e.kelly@jcra.je](mailto:e.kelly@jcra.je). A non-confidential version of the application form will be made available on request.