

## NOTICE OF APPLICATION FOR EXEMPTION

- Applicants:
1. Esso Petroleum Company Limited (“**Esso**”)
  2. Jersey Farmers Trading Union Limited Town and Country Central (“**JFTUL**”)

Agreement: Esso and JFUTL have agreed to exclusively sell and purchase respectively motor fuel, to be retailed at the site of Five Oaks Garage Sion, La Grande Route De St John, Trinity, Jersey JE3 5FN.

Industries Involved: The provision of motor fuel in Jersey for retail purposes.

The JCRA has received a request (the ‘**Request**’) for an exemption under Article 9 of the Competition (Jersey) Law 2005 (the ‘**Law**’) concerning a Motor Fuels Supply Agreement (the ‘**Agreement**’) regarding the Five Oaks Sion forecourt commencing on 1 July 2001. Under the Agreement, JFTUL agreed to purchase motor fuels exclusively from Esso on a wholesale level for retail sale at the Five Oaks Garage, Sion in Jersey. JFTUL also acquired the right to use Esso trade marks in its sale of motor fuels. In addition to supplying motor fuels to JFTUL, Esso agreed to support JFTUL in certain ways, including by contributing to pump maintenance at the said filing station. The term of the Agreement is 10 years.

As the Agreement requires JFTUL 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 JFTUL to potentially purchase motor fuels from other actual or potential suppliers, which may infringe Article 8(1) of the Law. 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 17 July 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. A non-confidential version of the Request will be made available on request.