



30 March 2016

Summary of Final Decision

The Jersey Competition Regulatory Authority (“**JCRA**”) has completed an investigation into the supply of aviation fuel at the airport in Jersey following a complaint from a third party.

The investigation considered certain aspects of the behaviour of ATF Overseas Holdings Limited trading as ATF Fuels (“**ATF**”) in relation to the supply of aviation fuel into aircraft at Jersey airport. The JCRA has concluded that ATF holds a dominant position in the supply of Jet A1 aviation fuel at Jersey airport and has contravened the Competition (Jersey) Law 2005 (“**the 2005 Law**”) which prohibits abuse of a dominant position by its unfair discriminatory behaviour in the supply of that aviation fuel.

ATF has sought to reserve the market to itself by refusing to allow a fixed base operator (“**FBO**”) to purchase fuel from ATF for the purpose of supplying fuel to that FBO’s third party customers as part of a bundle of ground handling services at Jersey airport. This has caused harm to the business of the FBO as a potential competitor of ATF in respect of supplying Jet A1 aviation fuel to those customers since it was prevented from offering a valued bundle of services that included provision of aviation fuel. It also restricted those third party customers from making alternative arrangements for purchasing fuel at Jersey airport and instead obliged them to make their fuel purchase arrangements only with ATF.

ATF has also unfairly discriminated in its pricing in respect of sales of Jet A1 aviation fuel to that FBO (one of the largest buyers of aviation fuel at Jersey airport) and a potential reseller of fuel. It has done this by charging the FBO higher prices than other comparable customers. This has harmed the FBO’s own business by requiring it to pay higher prices for its fuel than would otherwise be the case. It has harmed the competitive process by reducing competition and choice and increased the costs and prices faced by third party customers buying aviation services from ABP at Jersey airport which are likely to face higher costs as a direct result of increased fuel prices.

For these reasons the JCRA has concluded that ATF has abused a dominant market position as prohibited by Article 16 of the 2005 Law.