

Port of Longoni in Mayotte: the *Autorité de la concurrence* fines several companies in the Mayotte-based Nel group a total of €2.1 million for abuse of a dominant position in the port handling sector

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Background

Following a report from the Directorate General for Competition Policy, Consumer Affairs and Fraud Control (DGCCRF), and after having carried out dawn raids and, in 2021, fined Mayotte Channel Gateway (MCG) and its parent company for obstructing the investigation, the *Autorité de la concurrence* has now issued its decision on the merits of the case and has fined several companies in the Mayotte-based Nel group for engaging in two practices constituting an abuse of a dominant position at the port of Longoni in Mayotte.

First, the *Autorité* found that the Nel group had used the dominant position held by MCG, the public service concessionaire at the Port of Longoni, to expand into various related port handling markets by means other than competition on the merits. The *Autorité* notes in particular that, by taking control of the port's entire economic activity, beyond its initial role as a concessionaire, the Nel group engaged in practices that resulted in the exclusion of Société Mahoraise d'Acconage de Représentation et de Transit (SMART), the incumbent cargo-handling operator at the port of Longoni, in favour of its own handling subsidiary, Manu-Port.

Second, the *Autorité* found that MCG abused its dominant position in the market for the horizontal handling of full containers to and from Mayotte by imposing unfair trading conditions on Mayotte-based importers, including charges for services unrelated to those actually provided, which led to an increase in costs for Mayotte-

based importers.

For these reasons, the *Autorité* has imposed a total fine of €2,162,599 on several companies in the Nel group, having found that MCG's status as a public service concessionaire constituted an aggravating factor.

In addition, the *Autorité* has ordered MCG to publish a summary of the decision on the website and in the print edition of *Mayotte Hebdo*.

The award to MCG of the public service delegation for the management and operation of the infrastructure and facilities at the Port of Longoni

In September 2013, the *département* of Mayotte awarded a public service delegation to MCG for the management and operation of the infrastructure and facilities at the Port of Longoni. This award covered only some of the port's economic activities and did not include port handling, for example.

The practices in question

- **Exclusionary abuse in the port handling markets**

In 2014, several documents seized by the Investigation Services revealed the Nel group's intention to take control of all port activities by retaining almost all horizontal handling operations (container storage and delivery) and by forcing the incumbent handler into a subcontracting arrangement for vertical handling operations (loading and unloading of ships), while favouring its own port handling subsidiary, Manu-Port.

Consequently, from the start of the public service delegation, the Nel group, through MCG, prevented SMART from gaining access to the areas required for the storage and delivery of full containers to and from Mayotte. Similarly, the Nel group, through MCG and Manu-Port, handled almost all empty-container storage and secured a monopoly in the market for the storage of transshipment containers on behalf of shipowners.

The Nel group also implemented a strategy to control SMART's vertical handling activities by attempting to impose a subcontracting arrangement on the company for an activity that was not included among the tasks assigned to MCG under the public service delegation. Subsequently, under a "partnership agreement" signed in December 2015, the Nel group gained close control of key aspects of SMART's vertical handling operations. The granting of a permit to occupy public land, which was necessary for SMART's activities, was made conditional on its acceptance of these conditions. The Nel group also imposed conditions on the use of quay cranes that were unacceptable to SMART, requiring the latter to relinquish all operational autonomy.

At the same time, the documents in the case file show that the Nel group intended to favour its own handling subsidiary, Manu-Port, by granting Manu-Port a series of advantages unavailable to other companies, by virtue of its links with the public service concessionaire, MCG. In particular, this behaviour led to SMART losing its main client, CMA-CGM, to Manu-Port, which precipitated SMART's placement in receivership.

Following the court-ordered liquidation of SMART and the acceptance of the offer by CMA-TM, a CMA-CGM subsidiary, to take over its assets and staff, the Nel group continued to pursue its strategy against CMA-TM.

- **Exploitative abuse in the imposition of unfair trading conditions**

The investigation established that MCG had abused its dominant position by imposing unfair trading conditions on Mayotte-based importers, which were captive to and dependent on MCG, by charging for the delivery of full containers and the cleaning of empty containers at rates bearing no relation to the services provided.

The *Autorité* notes that these conditions were imposed unilaterally by MCG, even though some of the services were not actually provided.

These trading conditions led to an increase in costs for Mayotte-based importers.

In relation to these two objections, the *Autorité* considers MCG's status as a public service concessionaire to be an aggravating circumstance, pointing out that the influence and moral authority of an operator entrusted with a public service mission give that operator a particular responsibility not to restrict competition by means other than competition on the merits.

The *Autorité* has imposed a total fine of €2,162,599 on several companies in the Nel group and ordered MCG to publish a summary of the decision on the website and in the print edition of *Mayotte Hebdo*.

	Amount of the fines (in €) Objection 1	Amount of the (in €) Objection
MCG	€1,247,899	€781,129
Manu-Port	€7,396	-
Manut-Mayotte	€0	-
RSM	€3,042	-
SNIE	€123,133	-
MGI	€0	-
Archipel Investissement Co	€0	-

DECISION 26-D-09 OF 15 OCTOBER 2026

regarding practices implemented in the port
handling sector in Mayotte

The full text of the
decision (in French)
will be available soon

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