4th December 2008: Anticompetitive market sharing in the supply of kerosene to Air France on the Reunion island

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The Conseil de la concurrence fines four oil companies a total of 41 million euros for distorting competition in a tender process organized by Air France

> Version française

After a complaint from Air France which expressed some worries about a tender process for refuelling its planes during stopovers on the Reunion Island, the Conseil de la concurrence issues today a decision fining four oil companies (Chevron-Texaco, Total, Exxon and Shell) a total of €41.1m.

The anticompetitive practice led to a rise in the cost of refuelling services for Air France at its stopovers in Reunion

Documents seized during searches conducted in Paris, Reunion and London revealed that the offending oil companies colluded in 2002 to share the market launched by Air France and guarantee their respective market shares. By acting jointly to restrict the volumes offered, they gave Air France no other option but to accept all four offers, without being able to reject any one or negotiate prices, in order to satisfy its fuel requirements.

This practice led to a significant rise in the cost of refuelling services for Air France at this stopover (+30%) over the period 2002-2003.

Cooperation with the UK Office of Fair Trading: a first within the European

Competition Network

For the first time, the Conseil de la concurrence sought the assistance of the British competition authority, the Office of Fair Trading (OFT), to carry out searches in the UK, where several of the companies involved in this practice have their headquarters. Without this collaboration, a lack of evidence would have prevented the investigation from being carried through to completion. The success of this coordinated effort demonstrates the highly active cooperation that has existed between national competition authorities and with the European Commission, since EU Regulation 1/2003 came into force on 1st May 2004.

Penalties proportionate to the seriousness of the infringements and the extent of the damage caused to the economy

The fines imposed break down as follows:

- Chevron Group: 10 million euros
- Total Group: 9.9 million euros (Total Outre Mer: 4.4 million and Total Réunion: 5.5 million)
- Esso Group: 10.7 million euros
- Shell Group: 10.5 million euros

These sums will go to the public treasury. But the decision opens also the possibility for Air France of pursuing a damages claim through the competent courts.

> For more details of this case, see the full text of decision 08-D-30 of 4th December 2008



> See decision of the Paris court of appeal (24th November 2009)

> See decision of the Cour de cassation (1st March 2011)

> See decision of the Paris court of appeal (28th March 2013)

> See decision of the Court of Cassation (20th January 2015)