

## The JFTC Issued a Surcharge Payment Order against Mainami Aviation Services Co., Ltd.

February 19, 2021  
Japan Fair Trade Commission

The Japan Fair Trade Commission (hereinafter referred to as the “JFTC”) today issued a surcharge payment order against Mainami Aviation Services Co., Ltd. (hereinafter “Mainami Aviation Services”) in violation of the Article 3 of the Antimonopoly Act on prohibition of private monopolization. The amount of the surcharge payment is 6.12 million yen.

This is the first case where the JFTC issues a surcharge payment order against a conduct of exclusionary private monopolization, since the JFTC introduced the system of a surcharge payment order against a conduct in violation of exclusionary private monopolization under Article 3 of the Antimonopoly Act due to the amendment of the Antimonopoly Act in 2009 (which entered into force in 2010).

The JFTC found that, regarding the sale of the aviation fuel by “into-plane fueling” (hereinafter “this service”) at Yao Airport, Mainami Aviation Services had been having its users not be refueled from SGC Saga Aviation Co., Ltd (hereinafter “SGC Saga Aviation”) . The Mainami Aviation Services’ conduct excluded business activities of SGC Saga Aviation, and thereby causing, contrary to the public interest, a substantial restraint of competition in the field of trade of sale of the aviation fuel by this service at Yao Airport.

The JFTC previously issued the cease and desist order against Mainami Aviation Services for the above conduct on July 7<sup>th</sup>, 2020. Mainami Aviation Services have already ceased the conduct on and after August 21<sup>st</sup>, 2020.

This announcement is a tentative translation.

Please refer to the original text written in Japanese for more details.