

States Greffe

Deputy Kirsten Morel
Minister for Economic Development, Tourism, Sport and Culture

BY EMAIL

19th April 2023

Dear Minister,

Jersey Competition Law

The Panel has recently received a briefing on proposed legislative changes concerning Jersey's competition framework, for which it is grateful. Observing that [consultation](#) is currently being undertaken, the Panel has a number of queries:

1. The Competition (Jersey) Law 2005 is now 18 years old, reviews took place in 2015 and 2018: why are changes being formed now?
 - a. Are there any specific examples that indicate the necessity for the proposed changes?
2. Noting the demerger of the Channel Islands Competition & Regulatory Authorities (CICRA), will the proposed changes allow reformation of that body in the future?
3. What powers do the Jersey Competition Regulatory Authority (JCRA) currently have if they identify issues in a specific market, merger or acquisition and how will this potentially change?
 - a. Will this vary across different sectors?
 - b. Will there be changes in the economic regulation of the telecom, ports and postal sectors?
4. Potential increases in powers to require provision of commercial information to JCRA are proposed. What assurances will be provided to businesses on the protection of such information? For example, what consequences for JCRA, its directors and employees will be established should breaches in confidentiality occur?
5. How will the proposed changes impact upon JCRA staff resourcing and will there be financial implications for the Government of Jersey?
 - a. Noting that both the JCRA and yourself as Minister, will be able to initiate a market study, will there be different lines of funding in either circumstance?

6. How will independence be maintained when initiating market studies and other reviews?
7. The Panel understands that a turnover test will be used when establishing reviews of mergers and acquisitions. Could you further clarify how turnover will be calculated?
 - a. What elements will be included, for example locality of turnover or specific product lines and will the calculation be based on purely the acquired assets or gross turnover of both or one of the parties?
8. We note that a press release on the Jersey Competition Law consultation was issued 22 February 2023: what other actions are taking place to promote the consultation?
 - a. Have you directly contacted individual businesses in the Island?
 - b. Have you had any responses to the consultation so far and, if so, what particular concerns are being raised?
9. Following the closure of the consultation, scheduled for 21 April 2023, will the Panel be provided with the findings and when can these be expected?
 - a. When are law drafting instructions expected to be completed and will indicative and final drafts be forwarded to the Panel?
 - b. When is it anticipated that an updated Competition (Jersey) Law will be debated and when do you seek it to be in effect by?

We would be grateful if you could respond to this no later than Wednesday 26th April 2023 in line with the 5 working days approved for responses between Scrutiny Panels and Ministers.

If you have any questions regarding this or our work in general, please do not hesitate to contact me. Please note that unless otherwise stated, all letters will be uploaded to the Scrutiny website as a matter of course.

Yours sincerely,



Deputy Moz Scott
Chair
Economic and International Affairs Scrutiny Panel