
STATES OF JERSEY



JERSEY COMPETITION REGULATORY AUTHORITY: NON-EXECUTIVE DIRECTOR APPOINTMENTS

Presented to the States on 15th October 2020
by the Minister for Economic Development, Tourism, Sport & Culture

STATES GREFFE

REPORT

Under Article 3(3A) of the [Competition Regulatory Authority \(Jersey\) Law 2001](#) (the “Law”), the Minister for Economic Development, Tourism, Sport and Culture (the “Minister”) is required to notify the States of appointments of members of the Jersey Competition Regulatory Authority (JCRA).

After consultation with the JCRA Chair, Ms Stephanie Liston, and upon recommendation of the JCRA Board, the Minister appointed Dr Lara Stoimenova and Professor Ian Walden to the Board of the JCRA under powers conferred by Article 3(1)(b) of the Law. The appointment of Dr Stoimenova is from 7th October 2020 for a period of 3 years, to expire on 7th October 2023. The appointment of Professor Walden is from 7th October 2020 for a period of 4 years, to expire on 7th October 2024.

Background

Vacancies have arisen on the Board of the JCRA. The first has arisen in part due to the demerger of the Channel Islands Competition and Regulatory Authorities (CICRA) and the subsequent resignation of Mr John Curran on 15th August 2020, who is based in Guernsey. Mr Curran continues in his role as a Non-Executive Director of the Guernsey Competition and Regulatory Authority. The second vacancy has arisen in part due to the fast approaching end of Ms Hannah Nixon’s term of office as Non-Executive Director on 12th March 2021 (see: [R.145/2019](#)).

Appointment process

In light of the demerger of CICRA, the JCRA Board reviewed its composition, skills and experience and identified, in particular, the Authority’s need for candidates with –

- (i) experience at a senior level in a commercial, regulatory or public service environment with a successful track record of achievement in their professional field;
- (ii) experience in utility regulation and an interest in competition law;
- (iii) a thorough understanding of the legal issues addressed by the JCRA and the ability to understand and explain complex legal and regulatory policy;
- (iv) a thorough understanding of technical and engineering issues together with an understanding of public policy and a proven track record in working with governments; and
- (v) an understanding of the challenges faced by small island economies.

A recruitment Panel was selected, comprising Ms Stephanie Liston (JCRA Chair), Ms Hannah Nixon (JCRA Non-Executive Member), Mr Paul Masterton (JCRA Non-Executive Member and Senior Independent Director) and Mr Richard Corrigan (Group Director Financial Services and Digital Economy of the Government of Jersey). Ms Sarah Price (JCRA Company Secretary) was present at the interviews. The process itself was managed by the JCRA as described above.

Whilst appointments of JCRA Non-Executive Members do not normally require the involvement of a member of the Jersey Appointments Commission (JAC), the JCRA nevertheless liaised with the JAC to determine whether the JAC wished to be involved in this recruitment process. In August 2020, the JCRA received confirmation from the

JAC that their involvement was not required and, for that reason, a commissioner was not appointed.

The recruitment process, which started in August 2020, commenced with adverts placed both locally and off island. By the closing date, 20 applications had been received. Applications were made subject to a shortlisting process, undertaken by the recruitment Panel. Eight candidates were shortlisted for interview. Following the interviews, the Panel met to identify and recommend the 2 best candidates, enabling the JCRA to build a Board with the right mix of skills and experience, diversity of gender and thought, and which includes the appropriate local knowledge.

The Minister is pleased with the significant level of response received and accepts the Board's recommendation to appoint Dr Stoimenova and Professor Walden as Non-Executive Members of the JCRA.

Recommendation of Dr Lara Stoimenova

Dr Stoimenova is a competition and regulatory expert. She has a deep understanding of competition economics, applied both ex-ante and ex-post, including, for example, assessments of market power, merger clearances, abuse of dominance and collusion. She has worked in senior roles in both the public and private sectors and has a strong understanding of strategic priorities and pressures facing organisations. The Authority will benefit from her international knowledge and experience and she will assist the JCRA in interfacing with a variety of stakeholders.

Whilst working for Flint Global, a business management consultancy based in London, Dr Stoimenova provided competition, regulatory and strategic advice to clients on how to manage the impact of changes in regulation, competition law, legislation and policy developments in their businesses. Prior to that, at the UK Competition and Markets Authority ("CMA"), Dr Stoimenova worked as inquiry director in the Markets and Mergers Directorate leading various market investigations and internal strategic projects. She was also a member of the CMA Senior Leadership Team and Operations Board overseeing various operational matters. Dr Stoimenova also contributed to the creation of new organisations and cultures both at the CMA and at Flint Global.

Before joining the CMA, Dr Stoimenova worked for the UK's communications regulator, Ofcom, where she was a programme director with expertise in European and UK telecommunications policy, including leading a number of price control and market reviews in this area. Prior to this, she spent 4 years in Arthur Andersen's Economic and Financial Consulting team managing a number of litigation and valuation projects across different sectors.

Recommendation of Professor Ian Walden

Dr Walden is Professor of Information and Communications Law and Director of the Centre for Commercial Law Studies at Queen Mary University of London. He has a depth of knowledge and practical experience of the regulatory frameworks for which the Authority is responsible, particularly telecommunications, as well as those areas of emerging concern for the JCRA, including consumer protection and data protection.

His roles as Board member and Trustee of the Internet Watch Foundation, on the Executive Board of the UK Council for Child Internet Safety, Lay Member of the Press

Complaints Commission and on the Code Adjudication Panel of the Phone-paid Services Authority have given him a strong exposure to the concerns of the public when consuming information services and the difficulties they can face when trying to protect themselves and their families.

As an academic and solicitor, at Baker McKenzie, Professor Walden has researched, taught, trained and advised a range of stakeholders on most aspects of policy, law and regulation applicable to the telecommunications, media and technology sectors. He also has a strong knowledge and understanding of the economics that underpin competition law and drive cost-based regulation. In addition, Professor Walden is currently a member of the European Commission's Expert Group to support the application of the General Data Protection Regulation.

His publications include *Media Law and Practice* (2009), *Free and Open Source Software* (2013), *Computer Crimes and Digital Investigations* (2nd ed., 2016) and *Telecommunications Law and Regulation* (5th ed., 2018). Dr Walden has been a visiting professor at the universities of Texas, Melbourne and KU Leuven. He has been involved in law reform projects for the World Bank, European Commission, Council of Europe, Commonwealth and UNCTAD, as well as numerous individual states.

Balance of the Board

Following the appointment of Dr Stoimenova and Professor Walden, the Board of the JCRA will include –

- 2 long standing Jersey residents (Mr Paul Masterton and Mr Tim Ringsdore);
- 3 women (Ms Stephanie Liston, Ms Hannah Nixon and Dr Lara Stoimenova);
- 2 lawyers who have a broad legal knowledge (Ms Stephanie Liston and Professor Walden); and
- 2 economists who are expert in regulation and competition (Ms Hannah Nixon and Dr Lara Stoimenova).

Resource implications

The Chief Executive's Office provides the JCRA with an Annual Grant to administer the [Competition \(Jersey\) Law 2005](#) (£300,000 in 2020).

Fees payable to Non-Executive Members of the JCRA are sourced from the Annual Grant made to the JCRA, as well as from the JCRA's own accounts.

There are no other resource implications for the Government of Jersey arising from these appointments.