A COMPETITION LAW FOR JERSEY

Presented to the States on 8th January 2002
by the Industries Committee

STATES OF JERSEY

STATES GREFFE

120 2002 R.C.1

Price code: C

REPORT

A COMPETITION LAW FOR JERSEY

The Industries Committee is pleased to present to the States the following report which has been prepared by the Competition Policy Sub-Committee

Background

1. Members of the States will recall that part of the Anti-Inflation Strategy agreed by the States in September 2000 was to charge the Industries Committee to develop policies for the creation of a more competitive commercial environment in the Island and, to this end, to bring forward proposals on competition policy. This was subject to considerable discussion during the debate and there was general approbation for the stated aim. The Finance and Economics Committee, which had presented the strategy to the States, accepted an amendment by Senator S. Syvret that sought to specify the stated objective in a little more detail and to invite the Industries Committee to bring forward draft legislation for this purpose by the end of this year. The Industries Committee shortly afterwards delegated work on this whole front to a Sub-Committee, comprising Deputy P.F.C. Ozouf as Chairman and Deputy F.G. Voisin. This is now known as the Competition Policy Sub-Committee. A copy of the relevant part of the proposition, as amended, is at Annex 1 for ease of information.

2. The Sub-Committee's initial focus in pursuing the States remit was to set to work on establishing the Jersey Competition Regulatory Authority (JCRA) as an independent regulator for the telecommunications and postal services sectors. It was envisaged that in due course it would become a more fully-fledged competition authority, able to take on the specialist task of administering a competition law regime. This task was successfully completed in mid-2001.

3. The second main focus of the Sub-Committee's work remit, pursuant not only to the Anti-Inflation Strategy remit but also to the States decision of 4th July 2000 on Report and Proposition P.90/2000 from the Policy and Resources Committee, has been to lay the ground for the liberalisation of the telecommunications market in the Island, including the incorporation of Jersey Telecoms as a States-owned company. The preparation of the new Telecommunications (Jersey) Law to achieve this purpose proved to be a major task, in a complex and, for Jersey, novel area of law and regulation. The Sub-Committee, however, completed this important element of the States remit in three-quarters of a year and it was satisfying when, complex though it was, the new Law passed through the States on 31st July speedily and without dissent. It received Royal Assent on 11th December and incorporation and the new telecommunications licensing regime will be ready to proceed relatively soon in the New Year. This will gradually make a very important difference to many firms in the Island, especially in the finance sector. It is hoped consumers will see over time competition increasing choice, driving forward quality of service and bearing down on prices.

4. The third focus was to prepare a new Postal Services (Jersey) Law to enable Jersey Post to be incorporated as a States-owned company within the framework of the independent regulatory regime overseen by the JCRA. This, too, will have a direct bearing on the creation of a more competitive commercial environment in the Island, the crucial aim set out in the September 2000 Proposition. The proposed new Law will be available as a consultation draft shortly.

5. The fourth focus has been to prepare for placing the Island's other utilities within a framework of independent regulation under the JCRA. Work is in progress at present in respect of the electricity supply industry, and will lead to proposals later in 2002 for updating and developing the Electricity (Jersey) Law 1937 in order to achieve the objective and to modernise generally the legal arrangements governing the supply of electricity in the Island. Again this is potentially of significance to consumers, both domestic and corporate.

Competition Policy

6. The next step in the remit is generic competition law. Here, the Island must start from scratch. The United States of America, to take one example, has evolved its anti-trust legislation over a century or more; the United Kingdom has developed its competition law steadily since the immediate post-war period; and strict competition rules have been a key component of the European Union treaty from the start. There is a huge jurisprudence, and much regulatory experience, in all the main western jurisdictions, from both the common and civil law traditions. There are few, if any wheels to be reinvented, but it has been necessary to be very thoughtful in seeking to marry thinking and

practice in the main countries, especially the United Kingdom, with what one judges will work in Jersey, having regard to the actual remit by the States, and the size and nature of the Island's product and services markets. It is important also to seek to take account of latest thinking: in the United Kingdom, for example, an entirely new competition regime ushered in by major legislation in 1998 is already subject to significant revision and development, and the legislation to take this forward based on a White Paper ('A World Class Competition Regime (Cm 5233)) published by the United Kingdom Department of Trade and Industry in July 2001 is expected to be published in the spring. The Sub-Committee has endeavoured as far as possible to take this into account in its own thinking.

7. It is worth setting out here the purposes of promoting competition in Jersey's economy. The starting-point has been the need to endeavour to bear down on inflation. With strong competition, businesses must work hard to win and keep customers. As a result, competition bears down on prices and drives up quality and choice. This is particularly marked in many European economies where, for example, there has been movement away from (usually state-owned) monopolies to more open markets. Indeed, many commentators agree that the relatively low levels of inflation now seen by the developed economies are linked to the presence of strong competition policy. Competition law also protects consumers. In markets where there is little competition - and this is a potentially significant consideration because of diseconomies of scale in a small island - it is easier for firms to seek to treat customers unfairly, because customers lack choice. Hence the case for a legal regime, administered by an expert, independent body, in order as it were to act as a proxy for competition itself. There is also general agreement among commentators that competition and open markets, by encouraging new entrants, tend to drive forward productivity and innovation, while market power and closed markets tend towards the reverse. This, too, is a particularly critical factor for Jersey, because raising productivity is one main key to maintaining living standards and prosperity in a supply-constrained economy. The key point, though, is that if the overall objective is to make markets work well for consumers, then this requires market intervention, in an orderly and consistent manner, and within a clear framework of law and rules, to the extent necessary to correct imbalances of power and information as between producers and consumers.

8. The approach to competition policy that the Sub-Committee has chosen to propose is what is generally described as the 'prohibition' approach. This is the basic approach adopted under the European Union Treaty and, since 1998, embraced by the United Kingdom. The relevant extract from the European Union Treaty is at Annex 2, and it can be seen how simply stated it is - yet it is powerful. Certain action or situations - operating cartels, price-fixing rings, abuse of dominance etc. - would be prohibited, and as such subject to sanction, unless they were specifically exempted from prohibition by the JCRA under various criteria. Such criteria would generally include, for example, a *de minimis* threshold, where a given activity or course of action could be said to have no appreciable effect on competition as a whole in the market concerned, and exemptions designed to enable arrangements such as distribution systems to proceed where it is clear that a consumer or other economic benefit could be found. The 'prohibition' approach needs to be backed up by strong investigative powers for the competition authority and a scheme of remedies that is tough but realistic. The investigative power needs to extend to potential monopoly and merger situations where there may be an appreciable effect on competition but where it is not axiomatic that a prohibition, as defined, will have been breached. The Sub-Committee believes that this approach, mirroring that which is most common elsewhere in Europe, well and effectively meets the terms of the proposition agreed by the States in September 2000. But in saying this it is also important to emphasise that it is market abuse which is the target. A monopoly can be benign and in no way damage the interests of consumers; but it may not be, and, rather, abuse its dominant position. It is abuse that the new regime must aim to root out and prohibit.

9. The Sub-Committee has accordingly developed outline proposals for a Jersey competition law and these are set out in this report. The proposals have benefited from a range of expert and other inputs including initial input from the JCRA, whose Chairman has good experience of the European Union regime as former chairman of the Irish Competition Authority. They reflect to a considerable measure the arrangements in place to a greater or lesser extent in each European Union Member State pursuant to the European Union rules, but the Sub-Committee has set a goal at the outset of trying to keep things relatively simple. The key is to have a small but effective competition authority, which is wholly independent and which has a clear remit, backed up by the necessary powers, to highlight and expose anti-competitive practices across the whole Island economy, including in both the private and the 'trading' public sector. A further crucial element is that harmed parties, including third parties, should be given the opportunity to seek legal redress against anti-competitive behaviour, a measure the Sub-Committee believe will have a significant deterrent effect on such behaviour. Starting from scratch, however, means that the Island must proceed at the outset with a degree of caution; there is, for example, virtually no competition law expertise within local legal firms and little experience to speak of within Island businesses and other organisations of the long-term culture shift that an effective competition regime requires. Nor must the main objective be lost sight of, which, as already stated, is simply to make markets work well for consumers. This puts a premium upon having good consumer representational arrangements that can take a lead on behalf of Island consumers generally in tackling competition issues, a point well highlighted in the report on consumer protection strategy commissioned recently by the

Industries Committee. There are some big prizes for the whole economy of the Island if, gradually, all this is got right. But it is important to be realistic about the time this might take, which is one reason why the Sub-Committee specifically proposes a full review after five years experience of the regime that is proposed.

Timetable and next steps

10. It is very important that there is good consultation on these proposals. This report is the starting-point for this and, States members apart, it will be circulated to a wide variety of organisation, as listed at Annex 3, with a request for comments by the end of February. It will be particularly valuable to have input from the Jersey Consumer Council, and, from the business side, the Jersey Economic Forum. A date for a consultative meeting with the latter has already been arranged (1st March) as part of its 2002 programme. Further expert input from the JCRA will also be very important. The proposals will also be available on the States website and the Sub-Committee will be seeking to ensure receipt of as many comments as possible from all with an interest, whether firms, other organisations and individual consumers. The Sub-Committee also proposes to arrange a seminar for States members, probably in February, at which a panel of persons expert in different aspects of competition policy and law would be able to explain the background and illuminate how exemplar competition regimes work.

11. The Industries Committee was successful in securing a 2002 law drafting slot for Competition Law and, subject to the consultation process, work will now be starting in earnest in preparing detailed drafting instructions with a view to having a consultation draft of a Law ready later in 2002. This task will be the easier to the extent that the approach it will encapsulate will already have been well tested among, and analysed by, key stakeholders. Good consultation will then, other things being equal, best ensure speedy passage of the legislation through the States and towards Royal Assent and subsequent implementation. This will be a demanding task, and a demanding timetable, but the Sub-Committee is confident that it can be achieved. It looks forward to receiving comments from all quarters.

OUTLINE PROPOSALS FOR A JERSEY COMPETITION LAW ("THE LAW")

1. The Law should be based on the principles of prohibition -

- of agreements, decisions and concerted practices by undertakings which, within Jersey, restrict or distort competition, or are intended to do so (the first prohibition);

- of abuse by one or more undertakings of a dominant position within Jersey in so far as the abusive behaviour may distort, restrict or restrain competition in the relevant market (the second prohibition).

These principles follow Articles 81 and 82 of the Treaty establishing the European Community, the text of which is attached for information at the end of this note, and the United Kingdom's Competition Act 1998 (which itself follows the European Union approach).

2. The definition of an "undertaking" needs to be wide. Following European case law it should encompass any entity that is engaged for gain in economic or commercial activities, regardless of its legal status and the way in which it is funded. This includes public sector undertakings when acting as undertakings, that is to say, broadly speaking, when they are engaged in economic or commercial activities that are trading activities and which could equally be carried out in or by the private sector but not where they are engaged in delivering "non-trading" taxpayer-funded services under statutory or administrative arrangements. The JCRA should have the power to determine whether or not any entity or part of an entity is an undertaking for the purpose of the Law.

3. The JCRA must have appropriate powers to investigate suspected infringements of the prohibitions. It must be able to investigate of its own volition, or of its own volition in response to a complaint. It must also be free to decide whether or not to pursue an investigation in response to a complaint, taking all relevant information into account. The power to investigate should include the power to require the production of existing information in a form that can be read and understood (e.g. computer records) and the provision of information in a particular format even if it did not currently exist (e.g. to require a new breakdown of costs.) These powers must be governed by strict confidentiality requirements.

4. The administration and enforcement of the first prohibition should be subject to certain thresholds and exemptions, in particular to ensure that the JCRA is able to concentrate its attention and resources on major cases. The prohibition should not apply -

- where in the JCRA's view there is no substantial lessening of competition. This will require careful definition by the JCRA of the relevant market in any particular case having regard to all relevant and reasonable factors. The Law should state the presumption that there is unlikely to be a substantial lessening of competition where the combined market share of the parties does not exceed 25 per cent (save in price fixing or minimum sale price cases, where there should be no *de minimis* threshold);

- where, subject to a power to the JCRA to lay down appropriate conditions, it could be demonstrated that an economic benefit to the Island flowed from a particular agreement or practice - because, for example, it contributed to improving production or distribution, or to promoting technical or economic progress - and consumers were able to obtain a fair share of that benefit. The assessment of economic benefit would need to take into account the differing consumer welfare impacts in Jersey between, say, agreements designed to deal with exports and where they were concerned the supply of goods or services within Jersey;

- in respect of certain specific agreements or arrangements between competitors or potential competitors for co-operation or joint activities (for example, joint purchasing or production agreements, selective distribution systems or trade association activities generally);

- where the law requires a particular kind of behaviour. An example here might be agreements needed to comply with planning obligations.

The Law needs to provide for the JCRA to issue, after consultation, and on the basis of its having regard to various specified criteria, non-exhaustive advisory guidance on activities which in its opinion would or might be likely to infringe the first prohibition. The specified criteria should include economic benefit to the Island and it will be important that the JCRA is enabled to take carefully into account the particular circumstances of markets in an island economy such as Jersey including possible diseconomies of scale and the way they interact with markets overseas.

5. The administration and enforcement of the second prohibition should depend upon two tests: the existence of a dominant position, and abuse of it. (It is quite possible for there to be a dominant position where the conduct of the dominant operator is not abusive.) The basic definition of a dominant position should be that an undertaking is in such a position when it has the economic strength to behave to an appreciable extent independently of its competitors, customers and suppliers. It would be for the JCRA to set out the key factors involved in making an assessment or finding of dominance, such as market share, an undertaking's purchasing power, customer dependence, level of import substitution, etc. Dominance would always need to be defined in relation to a relevant market. The geographic extent of this in each case should be - as the base case - the whole Island, but the JCRA needs also to be able to look beyond this where, for example, the products in question are internationally traded. In particular, it should be able, where appropriate, to look at the Channel Islands' market as a whole. The relevant product market should normally be defined to include all products for which there is a significant degree of genuine substitutability. This would fall to be determined by the JCRA on a case by case basis but it would be incumbent upon the JCRA to issue, after consultation, non-inclusive guidance on the appropriate factors it would seek to take into account in making determinations under the second prohibition, including the market share thresholds to be taken as giving an indication, or a presumption, of dominance as the case may be.

6. It is important to note that it is separate policy on the part of the Industries Committee to bring the telecommunications, postal and electricity utilities in the Island within the scope of independent regulation. For the avoidance of doubt it must be made clear in the Law that the businesses involved must satisfy competition law, which would have primacy over any sector-specific legislation, as well as any additional specific regulation save where that might possibly breach the main Competition Law.

7. The second prohibition should include provision either in the Law, or in Regulations made under the Law, for the JCRA to publish examples of likely abusive conduct, including (for example) unfair purchase or selling prices or other unfair trading conditions, the application of dissimilar conditions to equivalent transactions, and making the conclusion of contracts subject to unrelated, supplementary obligations.

8. There needs also to be a general power for the JCRA to keep Island markets under review from the perspective of competition and to undertake general investigations accordingly. The power must extend to reporting and making recommendations publicly to the Committee (or Minister). This power of general investigation should be cast widely, complementing the power already with the Industries Committee under Article 6(4) of the JCRA Law to request the JCRA to make investigations concerning competition and related matters on its behalf. It should include a power to co-operate with other regulators and authorities so that, for example, a study could be undertaken of a Channel Islands-wide market.

9. It is important that there should be an explicit power for the JCRA to investigate putative, or actual, complex monopolies which might fall outwith the two prohibitions, for example where a group of companies all adopt similar behaviour or engage in parallel activities but where there is no evidence of collusion or agreement. (A complex monopoly exists where a group of companies which are not connected and which together account for a given percentage of the supply or acquisition of any particular description of goods or services (25 per cent is the figure ir the United Kingdom law) engage in conduct which has or is likely to have the effect of restricting, distorting or preventing competition.) The same goes for scale monopolies, where a single company (or a group of interconnected companies) supplies or acquires a given proportion (say, one quarter) of the goods or services of a particular type within the geographical market, in this case Jersey.

10. In such cases, having regard to the nature of the Island's relatively small product and service markets, it should be for the Committee (or Minister) to determine, on the basis of the JCRA's advice, that a given complex or scale monopoly situation exists and that it operates, or may be expected to operate, against the public interest. The JCRA's advice should in each case take as its starting-point whether the monopoly may be expected to lead to a substantial lessening of competition and include an assessment of the economic disbenefit to the Island that might flow from this.

11. Similar investigative powers for the JCRA are needed in respect of mergers. Above a realistic value threshold, these should be required to be notified to the JCRA before full transfer of ownership has been carried out. Subject to a time limit, the JCRA should be empowered to investigate proposed mergers if they would create or enhance a given (say, one quarter) share of the supply of a particular good or service in the geographical market and thereby lead to a substantial lessening of competition. Below the threshold there should be a presumption that any merger would have no appreciable effect on competition and would not therefore be subject to investigation. In any case, however, there should be a power for the Committee (or Minister) to require the JCRA to investigate a proposed merger if in the former's view it gave rise to matters of exceptional public interest.

12. The JCRA must have a clear object given to it by the new Law, to overlay the balanced duties and responsibilities it will need to be given (akin to those in the new Telecommunications Law) to ensure that it can carry out its competition policy work effectively and fairly, having regard to all relevant factors and interests. This object should simply be to promote the economic benefit of the Island through the promotion of competition. As a function of this, the JCRA should be empowered to publish competition-impact advice on new laws and regulations or other trade-related governmental arrangements, to be required to publish an assessment in its annual report on the state of competition in the Island's economy, to be empowered to propose new rules to make markets work better for consumers and to propose changes to, or the abolition of, existing rules for the same reason. The Committee (or Minister) (whichever it may be in the case in question) would need to be obliged to consider all such advice. The aim of such provisions would be to enable the JCRA to develop a lead public role on all relevant matters concerning competition in the Island's economy and making markets work well for consumers.

13. It is important that there should be satisfactory, but proportionate, remedies available where duly-established infringements of the prohibitions occur or where action needs to be taken to secure the public interest or consumers' interests pursuant to a monopoly, merger or other investigation. A degree of flexibility is inevitably needed in this area, together with relative simplicity, with the clear aim of achieving the desired effects. Perhaps the first remedy is publicity, whose impact in a relatively small community should not be underestimated, and there must be a requirement that all formal JCRA reports and findings are published, allowing fully for due process and with a saving that there may exceptionally be cases where publicity should be withheld or delayed for reasons of commercial confidentiality.

14. Over and above this, there needs also to be some more formal legal mechanisms to secure compliance, and these are proposed along the following lines -

- it should be an offence for firms or individuals not to co-operate with formal JCRA investigations or to fail to supply appropriate information upon reasonable request and after due process. The JCRA must, in accordance with law, be able to conduct searches etc. in order to satisfy itself that information is not being withheld from it;

- the JCRA should be empowered to deal with and dispose of casework as it arises, through a negative clearance procedure. By this, the JCRA should be enabled to say, based on its analysis of the facts presented and its knowledge of the markets involved, that there are no grounds for it to take action under the two prohibitions. This procedure should also include the power to give non-binding advice as to actions necessary by a firm or firms to ensure that they could receive negative clearance. Negative clearance cases should

normally be publicised promptly but it may be necessary in some cases to hold publication back, perhaps until the JCRA's next annual report, for reasons of commercial confidentiality. The JCRA should also be empowered to exempt an agreement where it met defined criteria of the kind mentioned in paragraph 4 above. A public register of such exemptions should be maintained, including the electronic form;

- upon a finding by the JCRA of an infringement under the prohibitions, or a conclusion by the Committee (or Minister) based on JCRA advice that an action or situation did or might be expected to operate against the public interest, the JCRA should be empowered (or, as the case may be, empowered under request from the Committee or Minister) to seek assurances as to the cessation or adjustment of the given conduct, or as to behaviour or actions pertaining to its, the JCRA's finding. Assurances should be able to take the widest possible variety of forms, including, for example, a requirement to publish information, or to create financial transparency for a particular business activity. In the first instance, assurances should be sought by the JCRA on a voluntary basis. If voluntary assurances as to future conduct are given, they should be required to be maintained for, say, a period of three years under active monitoring by the JCRA, and reviewed after that period for continued need or relevance. The whole process must be open and transparent and all cases reported fully in the JCRA's annual report or by some other suitable means. The JCRA should be specifically empowered, however, to make a case public at the time it occurs (or keep it confidential) if in its judgement, after consultation with the parties, that course of action would best serve the interest of consumers;

- if satisfactory assurances on this basis are declined to be given, or if assurances that have been given are not fulfilled, then the Committee (or Minister) should have the duty, to make an Order on the advice of the JCRA requiring the giving of such assurances as reasonably need to be sought, or the iteration of assurances already given, to ensure modification of the party's or parties' conduct or, say, the removal of offensive clauses from an agreement. This should include the power to prohibit an agreement altogether. The Order would require the giving of a legally enforceable written undertaking and the JCRA would need to be satisfied, and advise accordingly, that the undertaking dealt with matters satisfactorily. The arrangements for this procedure should be cast in a manner that enables the remedy to be effective in achieving the objective of curbing market power satisfactorily. Failure to respect an Order would be a criminal offence, and would also give rise to the possibility of third party civil action;

- there must be an appeal process to the Royal Court against the making of such an Order in similar vein to the procedure now enshrined in Art. 12 of the new Telecommunications Law. It will be essential to ensure in this regard that JCRA reports and investigations can be admitted as evidence. Pursuant to this, it will be essential that due process is established to deal with every stage of a JCRA investigation, especially with regard to the rights of parties to be heard by the JCRA (including at any public hearings). Aggrieved third parties with an appropriate interest should have the right to be heard too;

- a civil right of action for aggrieved third parties should also be included in the Law. If a situation duly found through a formal investigation by the JCRA to be in a breach of a prohibition was not remedied satisfactorily either before the assurances stage or through the giving of assurances, or if an Order regarding written undertakings was not observed, aggrieved third parties would be entitled to sue the undertaking by whose anti-competitive practices they had been damaged. This would require JCRA reports to be fully admissible as evidence.

15. The Committee (or Minister) and the JCRA should both be given a duty to keep the workings of the Law under review and the former should be required to publish a review of the Law's workings, after consultation and with advice from the JCRA, including proposals for change as necessary, no later than five years after the Law enters into force.

ANNEX 1

Anti-Inflation Strategy

Item (g) of the Proposition agreed by the States, as amended, in September 2000, was as follows -

> "to charge the Industries Committee to develop policies for the creation of a more competitive commercial environment in the Island and to this end to bring forward proposals for a competition policy which shall include specific measures to -
>
> (a) monitor and regulate monopolistic practices;
>
> (b) monitor and regulate restrictive trade practices;
>
> (c) monitor and regulate restrictive agreements;
>
> (d) monitor and regulate anti-competitive practices;
>
> (e) monitor and regulate mergers;
>
> (f) monitor and regulate cartels;
>
> and to bring forward draft legislation for this purpose by the end of 2001;".

ANNEX 2

Extract from Treaty Establishing the European Community

(From Title V1 Common Rules on Competition, Taxation and Approximation of Laws - rules applying to undertakings.)

Article 81

"1. The following shall be prohibited as incompatible with the common market: all agreements between undertakings, decisions by associations of undertakings and concerted practices which may affect trade between Member States and which have as their object or effect the prevention, restriction or distortion of competition within the common market, and in particular those which:

(a) directly or indirectly fix purchase or selling prices or any other trading conditions;

(b) limit or control production, markets, technical development, or investment;

(c) share markets or sources of supply;

(d) apply dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;

(e) make the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.

2. Any agreements or decisions prohibited pursuant to this Article shall be automatically void.

3. The provisions of paragraph 1 may, however, be declared inapplicable in the case of:

- any agreement or category of agreements between undertakings;

- any decision or category of decisions by associations of undertakings;

- any concerted practice or category of concerted practices,

which contributes to improving the production or distribution of goods or to promoting technical or economic progress, while allowing consumers a fair share of the resulting benefit, and which does not:

(a) impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives;

(b) afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question.".

Article 82

"Any abuse by one or more undertakings of a dominant position within the common market or in a substantial part of it shall be prohibited as incompatible with the common market insofar as it may affect trade between Member States.

Such abuse may, in particular, consist in:

(a) directly or indirectly imposing unfair purchase or selling prices or other unfair trading conditions;

(b) limiting production, markets or technical development to the prejudice of consumers;

(c) applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;

(d) making the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connections with the subject of such

contracts”.

ANNEX 3

List of consultees

All States members
All Committees
Jersey Consumer Council
Jersey Competition Regulatory Authority
Jersey Financial Services Commission
Jersey Citizen's Advice Bureau
Jersey Business Venture
Jersey Chamber of Commerce
Jersey Child Care Trust
Jersey Electrical Builders Association
Jersey and Allied Traders Employers' Federation
Jersey Estate Agents Association
Jersey Hospitality Association
Jersey Association of Heating and Plumbing Engineers
Jersey Motor Traders Federation
Jersey Small Business Federation
Jersey Economic Forum
Jersey Bankers Association
Jersey Finance Industry Association
Jersey Farmers Union
Jersey Law Society
Jersey Rights Association
Women's Institute
Standing Conference of Women's Organisations
Channel Island Tour Operators Group
Concern
Chartered Institute of Bankers Jersey Centre
Institute of Directors
Transport and General Workers Union
Christians Together in Jersey
Jersey Evangelical Alliance
Jersey Jewish Congregation
The Church of England
The Roman Catholic Church
The Methodist Church
Market Traders Association
Jersey Electricity Company
Jersey Gas
Jersey New Waterworks Company
Jersey Telecom
Jersey Post
Channel Island Wholesale Group
Le Riches Group
Channel Islands Co-operative Society
Channel Islands Travel Service
Jersey Marketing Bureau