



**PROPOSED AIMS AND OBJECTIVES
JANUARY TO DECEMBER 2009**

**CONSULTATION DRAFT
20 November 2008**

Introduction to Consultation

This document sets forth the proposed aims and objectives of the Jersey Competition Regulatory Authority ('JCRA') during the calendar year 2009 across its various areas of activity. The purpose of this consultation is to seek the views of the JCRA's stakeholders – in particular, Jersey's consumers and businesses – on what we are planning to do and why we are planning to do it, so they can have a real say in what our priorities should be in 2009. The JCRA will keep its aims and objectives under review, and new aims or objectives, or actions to implement the objectives, may be added as the year progresses.

Views on the proposed aims and objectives are invited by **5 pm on Friday 19 December 2008**. Once comments have been received and considered, we shall aim to publish the document in final form in January 2009.

Introduction & Overview

This document sets forth the aims and objectives of the Jersey Competition Regulatory Authority (“JCRA”) during the calendar year 2009 across its various areas of activity. The JCRA is an independent authority established by the States of Jersey in 2001. Its current responsibilities are to act as the regulator of Jersey’s postal and telecommunication sectors and to enforce the provisions of Jersey’s competition law. In each of these three main areas of activity, the overriding goal of the JCRA is the same: to promote consumer welfare through efforts that encourage lower prices and greater choice and innovation in the goods and services available in Jersey.

The JCRA also seeks to be a primary advocate for competition law and policy, both in Jersey and abroad. The Minister for Economic Development may call on us from time to time to provide advice on matters of economic regulation and competition. We also regularly provide advice to individuals, companies, States Members, and States Departments, on the laws we enforce. Internationally, the JCRA takes a leading role in the development of competition law and policy in small jurisdictions.

In the pursuit of all of our aims and objectives, we are guided by our core values of fairness, accountability, proportionality, and efficiency.

The aims and objectives set forth herein are in no particular order of priority. This is not a definitive statement of the JCRA’s activities for 2009. The JCRA will keep its aims and objectives under review, and new aims or objectives, or actions to implement the objectives, may be added as the year progresses.

Aim 1: Administer and Enforce the Competition (Jersey) Law 2005

<u>Objectives</u>	<u>Actions</u>	<u>Time Period</u>
Investigate and take appropriate action against suspected infringements of the Competition Law following complaints, or on own initiative	Investigate cases in accordance with legal powers and duties, priorities and internal processes; take appropriate action when investigation is complete	January to December
Consider potential procedural reforms to the Competition Law	Examine areas such as merger thresholds based on JCRA experience, public consultation, and international practice, advise the Minister for Economic Development accordingly	January to August
Deal with applications for exemption or guidance under the Competition Law	Process requests in accordance with legal powers and duties, priorities and internal procedures	January to December
Deal with applications for approval of mergers and acquisitions	Process applications in accordance with legal powers and duties, priorities and internal procedures	January to December
Promote understanding by consumers and businesses of the Competition Law	Provide ongoing advice to businesses and consumers on matters concerning competition and markets	January to December
Facilitate the development of competition law and policy in small jurisdictions	Promote work through participation in the International Competition Network and other appropriate forums	January to December

Aim 2: Administer and Enforce the Telecommunications (Jersey) Law 2002

<u>Objective</u>	<u>Actions</u>	<u>Time Period</u>
Review JT's fixed-line wholesale access provision	Review wholesale access provision and consider whether regulatory intervention is appropriate	January to September
JT Separated Accounts: monitor ongoing compliance, review methodology, consider increased transparency	Examine JT's regulatory accounting methodologies and consult on any proposed changes Monitor JT's compliance with existing Accounting Separation Direction Consider whether JT should publish separated accounts	January to December
Facilitate new entry to telecommunications markets in Jersey	Assess any new licence applications, award licences where appropriate	January to December
Ensure appropriate interconnection between operators	Monitor negotiations between operators, intervene where appropriate	January to December
Investigate practices by operators which may contravene licences (and/or the Competition Law or Telecommunications Law)	Investigate suspected infringements, take appropriate action when investigation is complete	January to December
Ensure JT's Next Generation Network ("NGN") implementation provides benefits to consumers	Monitor NGN implementation and develop appropriate regulatory strategies to ensure consumer benefits	January to December
Monitor Mobile Number Portability ("MNP") implementation	Ensure that MNP has been successfully introduced in accordance with JCRA requirements	January to December
Maintain Jersey Mobile Mast Locator website	Keep website up-to-date, conduct second emissions audit, respond to public requests for further information	January to December

Aim 3: Administer and Enforce the Postal Services (Jersey) Law 2004

<u>Objectives</u>	<u>Actions</u>	<u>Time Period</u>
Direct JP on Quality of Service	Issue direction based on 2008 consultation, ensure compliance with mandated standards	January to April
JP's Mail Integrity Code	Ensure JP's new mail integrity code protects consumers	January to April
Conduct a review of Jersey's postal markets and consider whether the grant of additional licenses to provide postal service is consistent with the JCRA's duties under Article 8 of the Postal Services Law	Engage in market review, assess current or prospective demands in Jersey for new postal service providers, consider individual license applications as appropriate	January to December
Investigate practices by operators which may contravene licences (and/or the Competition Law or Postal Law) and take effective remedial action.	Investigate suspected infringements, take appropriate action when investigation is complete	January to December
Review the scope of the Universal Service Obligation ("USO")	Determine whether the current USO scope is cost effective and delivers consumer benefits to postal users	January to December
Monitor JP's price control	Monitor JP's compliance with the Direction on price control. Take action where appropriate	January to December
Review JP's Regulatory Accounts	Review JP's regulatory accounting methodology and issue direction if appropriate	May to December
Postal Users Council	Consider whether a postal users council should be established in Jersey	July to December

Aim 4: Advise on Competition and Regulatory Matters

<u>Objectives</u>	<u>Actions</u>	<u>Time Period</u>
Advise the Minister for Economic Development on matters relating to markets and competition	Respond to requests for advice on particular matters	January to December
Provide advice and assistance to other States Departments, States Members, and Scrutiny Panels	If and when requested	January to December
Monitor proposed States legislation and review existing States legislation for potential effects on competition and advise relevant Minister	Deliver advice where appropriate to the relevant Minister, in accordance with priorities	January to December

Aim 5: Further Pursue Our Core Values

<u>Objectives</u>	<u>Actions</u>	<u>Time Period</u>
Ensuring sufficient transparency to improve understanding of the JCRA's work	Publish further explanatory materials, conduct briefings and seminars	January to December