



Strategic Objectives and 2018 Draft Work Programme

Consultation Document – **Competition Law Enforcement**

Channel Islands Competition & Regulatory Authorities

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Introduction

The overarching aim of the Channel Islands Competition and Regulatory Authorities (CICRA) is to ensure markets work well for consumers taking account of both short and long term considerations. CICRA's proposed strategic objectives under its responsibilities as a competition law enforcement body are set out here together with a draft annual work programme for 2018 to support the achievement of those strategic objectives. We would welcome your views on both the proposed strategic objectives and draft 2018 work programme.

Competition Law Enforcement – Strategic Objectives

Three high level objectives have been identified by CICRA. Competition law came into force in the Channel Islands in 2005 in Jersey and in 2012 in Guernsey. The policy reasons for putting in place a system of competition law were virtually identical across both jurisdictions and are consistent with international best practice.

Competition law enforcement is a role that generally responds to market events such as mergers, acquisitions or concerns about anti-competitive behaviour. It may however also look at whether markets are working as well as they should by carrying out market reviews. The three overarching strategic objectives on which CICRA is consulting in this area of its responsibilities are:

Generate positive, defined benefits for Channel Islands businesses and consumers associated with free markets

Have a beneficial impact on their respective economies as a whole

Enhance the international standing and reputation of Guernsey and of Jersey through the creation of a robust and recognisable competition law regime

Competition Law Enforcement – 2018 Work Programme

Our duties and functions involve areas of work we anticipate for 2018:

- *Investigate, and where appropriate remedy, contraventions of the competition law consistent with CICRA's prioritisation principles*
- *Support the States of Jersey and Guernsey to bring block exemptions into effect*
- *Support the States of Jersey and Guernsey to bring into effect recommendations for changes in respect of the merger and acquisition framework prescribed by Jersey and Guernsey competition law*
- *Work with consumer bodies to support consumer interests in a manner that is joined-up and focussed on priority areas*
- *Scrutinise proposed mergers and acquisitions where they are subject to notification*
- *Evaluate the merits of exemption applications received*
- *CICRA will consider candidates for market reviews requested by the relevant governments*

Given our experience over the past few years, particularly from investigating matters brought to our attention, it is apparent that the level of competition law awareness among key stakeholder groups in the Channel Islands is significantly underdeveloped. We have come to a view that if the above aims are to be achieved a concerted investment is needed to address this.

Low levels of awareness are by no means unique to the Channel Islands or confined to only jurisdictions where competition law is relatively new. However we recognise that these low awareness levels may prevent the full realisation of the benefits to the Channel Islands' economies, businesses and consumers that the States of Guernsey and the States of Jersey intended to flow from the introduction of competition law. It may in fact contribute to a significantly more expensive competition law oversight regime since addressing behaviour, as a result of ignorance of what's required under the law, can lead to greater cost in terms of resources needed to address any failings after the fact. We have identified two broad outcomes:

- Raise the awareness and understanding of competition law within public bodies so that measures taken by those public bodies are informed by the need to promote, or take account of the aims, of competition law where possible;
- Increase key stakeholders' awareness of the benefits of competition and the role that competition law and its aims can play in promoting and protecting welfare enhancing competition as well as the risks from non-compliance. If businesses are more aware of the law and have better compliance processes there is less likelihood of breaking the law.

A series of competition law training sessions targeted at public procurement will take place in late 2017. We will expand on this and advance our strategic priorities through a number of targeted advocacy projects. In particular the 2018 work programme will include:

- *A series of seminars, through the legal community, for businesses on the benefits of competition law and practical strategies for compliance*
- *Assessing levels of awareness of competition law amongst Channel Islands businesses to identify whether any specific sectors may be at particular risk of non-compliance with proactive engagement where that is found to be the case*
- *Engaging with competition law specialists from other jurisdictions (EU/ UK) to facilitate one or more “round table” forums for law officers and/or judiciary to exchange ideas and best practice on key competition law considerations*
- *Putting in place a series of meetings with States members to raise awareness and understanding of competition law , its place in the wider policy context and how it can support those priorities - both generally and in specific instances*

We will evaluate the impact these steps have on levels of competition law awareness when designing future competition law advocacy interventions.

Next Steps

CICRA will be conducting a wider engagement process with interested parties over the coming months. During this period views will be gathered, and responses to this proposal will be assessed, before the strategic objectives and 2018 work programme for competition law enforcement is finalised. The final documents will be published early in the first quarter of 2018.

Interested parties are invited to submit comments to CICRA in writing or by email on the matters set out in the papers that accompany this document to the following addresses:

<p>2nd Floor, Salisbury House 1-9 Union Street St Helier Jersey JE2 3RF</p> <p>Email: info@cicra.je</p>	<p>Suite 4, 1st Floor La Plaiderie Chambers La Plaiderie St Peter Port Guernsey GY1 1WG</p> <p>Email: info@cicra.gg</p>
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All comments should be clearly marked ‘CICRA proposed strategic objectives and draft 2018 work programme’ and should arrive by 5pm on 10 January 2018.

In line with CICRA's consultation policy, it intends to make responses to the consultation available on the CICRA website. Any material that is confidential should be put in a separate annex and clearly marked as such so that it may be kept confidential.

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