



20 December, 2018

**MEDIA STATEMENT IN RESPONSE TO PUBLICATION OF REVIEW OF APPEAL BY ATF
AGAINST COMPETITION AUTHORITY DECISION THAT IT HAD BROKEN COMPETITION LAW**

We are extremely pleased to see the outcome of the [report published by Kassie Smith QC](#). The report validates the professionalism of the Competition Authority and the competent manner in which this investigation was undertaken by its Officers. The report confirms that the Competition Authority asked the right questions and focussed on the correct issues in carrying out its investigation.

The Report also confirms that in reaching its Decision it acted properly from a legal and professional viewpoint and was justified in conducting an investigation of ATF's operations at Jersey Airport which consequently led to the decision that ATF was, in the view of the Authority, acting in breach of the Competition Law. The report confirms that the Competition Authority took a measured approach throughout and its decision based on the evidence before it was wholly justified.

The report does however raise serious questions. This report is detailed and incisive and helps to contextualise key elements of the Appeal brought by ATF. Most importantly it lays out clearly certain facts that were perhaps not evident in much of the public commentary following the Court's decision to allow ATF's Appeal in January 2018.

We also note the report confirms a view the Authority has held for some time, namely that the lack of certainty over the funding available to the Authority to defend appeals and the nature of the appeal process under the 2005 Competition Law create incentives for those disadvantaged by an Authority decision to appeal that decision in the expectation that the Authority will decide not to defend it given the risks and costs involved and/or the hope of getting a better outcome from the court on the substance and/or just delaying implementation of the decision. We do not believe the current state of affairs serves Jersey well.

We are therefore pleased to note that the review recommends a number of key actions that should be undertaken by the States of Jersey, and in particular to revisit the recommendations of Oxera published in 2015 to strengthen and enhance our ability to meet our statutory obligations.

We will now work with government to implement the recommendations set out. We would like to thank Kassie Smith QC for her diligence and professionalism throughout this process.

The JCRA remains committed to delivering its statutory obligation to make markets work through fair competition to advance our economic well-being.

Ends

THERE WILL BE NO FURTHER COMMENT AT THE PRESENT TIME