

Consultation Response – Pinel Advocates

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Good afternoon

I welcome the proposed reforms and, in particular, strongly support the replacement of the existing market share-based notification thresholds with an objective turnover-based test. The new approach is simpler, more predictable and better focused on transactions with genuine economic significance in Jersey.

My principal concern relates to the proposed £500,000 threshold below which the JCRA would generally be unlikely to call in a transaction. In my view, this figure is too low and risks creating unnecessary uncertainty for businesses and advisers. If the objective of the reforms is to reduce regulatory burden and focus resources on transactions capable of materially affecting competition, the threshold should be set at a higher level. I would suggest a threshold of at least £1 million per party, absent exceptional circumstances. Such an approach would provide greater certainty while preserving the JCRA's ability to investigate transactions that raise genuine competition concerns.

I would also encourage the JCRA to place greater weight on objective turnover measures and less reliance on market share assessments when exercising its call-in powers. One of the key benefits of the reforms is moving away from often complex and subjective market share calculations, particularly in Jersey's small and specialised markets.

Overall, I support the changes and believe they will improve Jersey's merger control regime. However, increasing the proposed call-in threshold would better deliver the stated objective of reducing unnecessary intervention and providing businesses with greater certainty.

I hope that this is of assistance.

Kind regards

Andrew

Advocate Andrew Pinel | Partner