

JERSEY			
COMPETITION FRAMEWORK			
Competition Law	The Competition Jersey Law 2005 was enacted on June 23, 2004 and entered into effect in November 2005.		
Competition Authority	The Jersey Competition Regulatory Authority ("JCRA") started functioning on March 30, 2001. Website: http://www.cicra.gg/		
STATUS OF THE COMPETITION AUTHORITY			
Accountability			
Does the Competition Authority have obligations before the executive?	Yes	√	Obligations to report to the executive on on-going investigations upon request.
		√	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.
		√	The Competition Authority has to report on an annual basis to the executive.
		Other obligations/comments: According to the Competition Regulatory Authority (Jersey) Law 2001 (article 10), the Minister for Economic Development ("Minister") may, after consulting the Authority, give the Authority written guidance or direction on matters relating to corporate governance. Those matters include matters relating to the Authority's accountability, efficiency, and economy of operation, but not matters relating directly to the performance of the Authority's functions. The Competition (Jersey) Law 2005 provides that the Minister can, after consultation with the JCRA, on grounds of public policy exempt an undertaking from the ambit of the competition law, but it has never been used.	
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities.
		X	Obligation to stand before parliament and to respond to congressmen on an annual basis.
		√	Its activities are monitored by an independent auditor or by oversight committees.
		Other obligations/comments: Under article 18, the Competition Regulatory Authority (Jersey) Law the JCRA has to prepare a report on its activities that is presented to the legislature by the Minister. Also, the JCRA has to submit annual accounts that are provided to the legislature by the Minister.	
Does the Competition Authority have obligations before the judiciary?	Yes	√	Decisions of the Competition Authority are subject to judicial review.
		Other obligations/comments: The Competition (Jersey) Law 2005 provides that the Court can oversee civil proceedings/actions as they relate to Decisions of the JCRA, in cases brought by the JCRA, defendants or third parties.	
Independence			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<i>See</i> Competition Regulatory Authority (Jersey) Law 2001, articles 3 and 4.	
Does the executive have powers to decide on specific cases based on public interest?	Yes		
Does the executive retain decision-making powers over the Competition Authority?	No		
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	Yes	<i>See</i> Competition (Jersey) Law 2005, articles 9(4)(a) and 22(7).	
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	No	Fiscal year budget for 2012: Approximately GBP 300K. The States of Jersey provides a grant to the JCRA to administer the Competition (Jersey) Law 2005, but the amount of the grant is not guaranteed.	
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No	Notification fees and fees for the issuance of guidance are self-funding but enforcement of the competition law is based on a grant from the executive. All fines are paid directly to the Treasury.	
GOVERNANCE OF THE COMPETITION AUTHORITY			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Chairman	<i>See</i> Competition Regulatory Authority (Jersey) Law 2001, article 3.	
Does a minister appoint the heads?	No		
Do representatives of more than one government branch appoint the heads?	Yes	The Chairman is appointed by the legislature on the recommendation of Economic Development Department ("EDD").	
Is there a fixed period during which removal is prohibited?	Yes	This period cannot exceed 5 years, according to article 4(2) of the Competition Regulatory Authority (Jersey) Law 2001.	
Is the tenure of the heads renewable?	Yes	No limit for re-appointment is specified.	
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	No		
ARCHITECTURE			
Is the Competition Authority a stand-alone agency with an independent physical location or is it part	Stand-alone agency	2nd Floor Salisbury House , 1 - 9 Union Street, St Helier, Jersey, JE2 3RF.	

of a bigger entity such as a minister?			
POLICY-MAKING AGENTS -DIVERSIFICATION-			
How many agencies are responsible for competition enforcement?	One agency.		
Do sector regulators have competition policy enforcement mandate?	No		
Have the Competition Authority and other agencies signed protocols or memoranda of understanding?	Telecommunications regulator	No	
	Energy regulator	No	
	Transport regulator	No	
	Other	The JCRA has signed a Memorandum of Understanding with the NCA in Guernsey, to assist collaborative working. The JCRA and the NCA in Guernsey work together on pan channel islands competition and regulatory matters issues as the Channel Islands Competition and Regulatory Authorities. The JCRA also had a Service Level Agreement with EDD.	
POLICY DUTIES			
Does the Competition Authority have exclusive mandate on competition or multiple mandates?	Multiple mandates	X	Concurrent consumer protection mandate.
		X	Concurrent IP mandate.
		Other mandates: The JCRA is the sectoral regulator of telecoms and postal services in Jersey.	
PORTFOLIO INSTRUMENTS			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	Yes	See Competition (Jersey) Law 2005, articles 8 and 26.	
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	See Competition (Jersey) Law 2005, articles 29 and 30.	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	See Competition (Jersey) Law 2005, articles 16 and 26.	
Does the Competition Authority have powers to accept leniency applications?	Yes	See http://www.cicra.gg/competition/legal_framework.aspx	
Does the Competition Authority have powers to seek criminal punishment?	No		
Advocacy			
Can the Competition Authority issue opinions on draft legislation?	Yes	The opinions are not binding.	
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No		
Rulemaking			
Can the Competition Authority issue guidelines or other type of secondary legislation?	Yes	X	Guidelines on the calculation of fines.
		√	Guidelines on merger control.
		√	Guidelines on the economic analysis of abuse of dominance cases.
Research & Reporting			
Can the Competition Authority carry out market studies?	Yes		
Can the Competition Authority report to the legislature on the results of market studies?	Yes		
DECISION-MAKING FUNCTIONS			
Aggregated Functions			
Does the Competition Authority make the decision to investigate and to prosecute cases?	Yes		
Does the Competition Authority make guilty findings?	Yes		
Does the Competition Authority impose punishments?	Yes		
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	No	The JCRA staff conducts the investigations and the Board of the JCRA is responsible for making the decisions, including the imposition of fines.	
Can the Competition Authority's decisions be appealed to a court?	Yes		
Disaggregated Functions—Prosecutorial Model			
Are there different authorities that make the	No		



decision to investigate and to prosecute cases?		
Are disputes presented for decision to a separate entity/tribunal?	No	