

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 27TH DAY OF JULY, 2006

(Meeting adjourned from 26th July 2006)

The States resolved as follows concerning Billet d'État No. XIII
dated 7th July, 2006

COMMERCE AND EMPLOYMENT DEPARTMENT

PROMOTING COMPETITION AND PREVENTING MARKET ABUSE

XVIII.- After consideration of the Report dated 26th May, 2006, of the Commerce and Employment Department:-

1. To enact enabling legislation to give the States powers to enact Ordinances which would incorporate measures to promote competition in the Island's economy in respect of abuse of a dominant market position, anti competitive behaviour, mergers and acquisitions and Fair Trading on the lines set out in this Report.
2. That when the new enabling legislation has been enacted Ordinances shall be laid before the States as soon as possible incorporating specific measures to control:
 - (a) Anti-competitive arrangements by undertakings;
 - (b) Abuse of a dominant market position by undertakings;
 - (c) Mergers and acquisitions by undertakings.
3. That the legislation shall include the following provisions:
 - (a) A requirement for a Resolution of the States for an investigation to be carried out into a specified market sector;
 - (b) Powers to investigate the circumstances of the operation of any such market sector;
 - (c) Powers to publish the results of such investigations and to make recommendations and give directions;.
 - (d) Appropriate penalties and powers of enforcement and appeals in respect thereof.

- (e) Such other provisions as are necessary for the purpose of giving effect to that Report.
4. That a Statutory Official known as the Director General of Competition shall be established in order to undertake such statutory reviews of specific market sectors as directed by the States.
 5. That the administration costs and all expenses, including staff and associated costs, of the Director General of Competition shall be met by a separate vote of the States, initially of a maximum of £300,000 per annum, such sum to be negotiated annually and allocated on a ringfenced basis to the budget of the Commerce and Employment Department.
 6. To note that informal investigations will be undertaken into areas of the Island's economy, in particular the energy market, and specifically gas and the importation of bulk fuels, with a view to deciding on the appropriateness of either bringing them within the remit of the Regulation of Utilities Law, 2001, or of making them subject to a formal investigation under the legislation proposed in this Report.
 7. To direct the preparation of such legislation as may be necessary to give effect to their above decisions.

COMMERCE AND EMPLOYMENT DEPARTMENT

AMENDMENTS TO FINANCIAL SERVICES LEGISLATION

XIX.- After consideration of the Report dated 14th June, 2006, of the Commerce and Employment Department:-

1. To enact legislation to enable the finance sector legislation identified in that Report to be amended by Ordinance.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

HOME DEPARTMENT

DATA PROTECTION COMMISSIONER

XX.- After consideration of the Report dated 26th May, 2006, of the Home Department:-

In pursuance of the provisions of section 6 (2) of the Data Protection (Bailiwick of

Guernsey) Law, 2001 to reappoint Dr P R Harris to the office of Data Protection Commissioner with effect from 1st October, 2006.

HOME DEPARTMENT

FRENCH NUCLEAR POWER FACILITIES – PROPOSED DEVELOPMENT OF THE FLAMANVILLE NUCLEAR POWER PLANT

XXI.- After consideration of the report dated 26th May, 2006, of the Home Department:-

- 1 To make a formal representation to the French authorities which expresses the Island's concerns over safety and requests assurances that all reasonable measures will be taken to mitigate any safety risks associated with the proposed development of the Flamanville Nuclear Power Station and that the Island authorities will be kept fully informed of the situation as the development progresses.
2. To direct the Home Department, in consultation with the Policy Council, to prepare such a formal representation as may be necessary to highlight the concerns of the States.

HOME DEPARTMENT

PROCEEDS OF CRIME - RECOVERY OF MONEY IN CIVIL PROCEEDINGS

XXII.- After consideration of the Report dated 26th May, 2006, of the Home Department:-

1. To approve the Home Department's proposals to amend legislation as set out in Her Majesty's Procureur's letter quoted in section 2 of that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

HOME DEPARTMENT

PROCEEDS OF CRIME - CUSTOMER INFORMATION AND ACCOUNT MONITORING ORDERS

XXIII.- After consideration of the Report dated 26th May, 2006, of the Home Department:-

1. To approve the Home Department's proposals to amend legislation as set out in Her Majesty's Procureur's letter quoted in section 2 of that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

HOME DEPARTMENT

DISCLOSURE OF INFORMATION

XXIV.- After consideration of the Report dated 26th May, 2006, of the Home Department:-

1. To approve the Home Department's proposals to introduce legislation as set out in Her Majesty's Procureur's letter quoted in section 2 of that Report.
2. To direct the preparation of such legislation as may be necessary to give effect to their above decision.

HOME DEPARTMENT

THE GUERNSEY GAMBLING CONTROL COMMISSION: 2005 ANNUAL REPORT

XXV.- After consideration of the report dated 30th May, 2006, of the Home Department:-

1. To note the Report.
2. To approve the accounts of the Guernsey Gambling Control Commission for the year ended 31st December, 2005.

3. To appoint KPMG Channel Islands Limited as auditors of the Guernsey Gambling Control Commission for the year ending 31st December, 2006.
4. To note the suspension of the Commission for the foreseeable future.
5. To note that the Commission's loan facility is now unlikely to be repaid.

K. H. TOUGH

HER MAJESTY'S GREFFIER

IN THE STATES OF THE ISLAND OF GUERNSEY

ON THE 28TH DAY OF JULY, 2006

(Meeting adjourned from 27th July 2006)

The States resolved as follows concerning Billet d'État No. XIII
dated 7th July, 2006

ENVIRONMENT DEPARTMENT

EXPORT OF WASTE

XXVI.- After consideration of the Report dated 17th May, 2006, of the Environment Department:-

TO NEGATIVE THE PROPOSITION to approve the export, for landfill, of 30,000 tonnes of waste per annum to France for a minimum period of 3 years.

S. M. D. ROSS

HER MAJESTY'S DEPUTY GREFFIER