



**Jersey Competition Regulatory Authority (“JCRA”)**

**Decision**

**T1257J**

**Transfer of control of telecommunications licence**

**Nitel Limited**

Document No: CICRA 16/46

21 October 2016

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## **The Notified Transaction**

On 10 October 2016, the JCRA received an application (the “**Application**”) from Nitel Limited (“**Nitel**”) for retrospective approval for a transfer control of Nitel’s telecommunication licence (the “**Licence**”) to the new owner of the company. The application was supported by information about the parties to the transaction and details of Nitel’s activities within the telecommunications market.

The transaction, which took place on 2 September 2016, involves the acquisition of 100% of Nitel’s share capital from Mr David Ezekiel by Mr Nicolae Andrei Vasile.

## **The Requirement for JCRA Approval**

Condition 2.3 of Nitel’s Class I telecommunications licence states :

2.3 The licence is personal to the Licensee and the Licensee shall not :

- (a) sub-licence, assign or grant any rights, interests or entitlement in the Licence nor transfer the licence to any other party; or
- (b) sell or pledge any of its assets which are necessary for the Licenced Telecommunications Systems, unless such assets are immediately replaced with equivalent assets,

without the prior written consent of the JCRA, such consent not to be unreasonably withheld.

In this case the change of ownership of the company triggers Condition 2.3(a) and the JCRA’s approval is required.

## **The parties**

Mr David Ezekiel was the founder and, until 2 September 2016, the sole owner of Nitel.

Mr Nicolae Andrei Vasile is a Jersey resident, has been employed by Nitel for some five years and has managed Nitel’s engineering team.

## **About Nitel**

Nitel is a minor provider of telecommunications business services in Jersey including hardware sales and rentals, hosted telephony services and call minutes, together with ancillary services such as installation and maintenance.

The application states that Mr Vasile:

- (a) will act as Nitel's Managing Director,
- (b) has no other business interests in Jersey or any other jurisdiction, and
- (c) intends to continue to develop the business.

**Conclusion**

On the basis of the above, the JCRA concludes that :

- (a) there is no reason to suspect that Mr Vasile is not a suitable person to conduct telecommunications business in Jersey,
- (b) that a transfer of the licence will have no immediate appreciable impact on the Jersey telecommunications market, and that
- (c) there are no reasonable grounds to refuse the transfer.

The JCRA therefore approves the transfer of the licence.

**21 October 2016**

**By Order of the JCRA Board**