



## NEWS RELEASE

March 2021

### **JERSEY'S 5G FUTURE: PROMOTING COMPETITION AND ENABLING NEW TECHNOLOGY**

Working together with the Jersey Competition Regulatory Authority (**the Authority**), the two largest telecoms operators in the Channel Islands have agreed to support a programme of modernising regulation to help set conditions for investment in new mobile technology, including 5G.

Network sharing (where two or more operators share some elements of their network) can bring benefits by enabling operators to deploy networks faster and with fewer sites needed to offer services. But as with any arrangement between competitors, network sharing can create risks to competition, and must be undertaken in a way that takes competition law compliance into account.

As part of this modernisation process, JT (Jersey) Limited (**JT**) and Sure (Jersey) Limited (**Sure**) have agreed to support proposed changes to their statutory licences, accelerating the process of regulatory reform. New licence conditions will provide for clear obligations to ensure that any use of shared assets or networks is fully compatible with healthy competition, benefiting consumers through lower prices and faster roll-out of new technology. Sure and JT have also agreed to the introduction of

certain obligations in relation to their internal compliance and training programmes to support their obligations under regulation and competition law. A statutory consultation, to be published shortly, will provide further detail and the opportunity for scrutiny of the proposed changes. Assuming those changes are adopted, the Authority will provide further clarity on the issues to be considered in network sharing in the form of guidelines, that will be issued for consultation later in 2021.

Following the operators' commitments noted above, and in light of their public commitment to ensuring that any future network sharing will take competition law requirements fully into account, the Authority has decided to close its investigation into an earlier Memorandum of Understanding (MOU) that was entered into, and then terminated, by JT and Sure. The case has been closed prior to reaching any decision (i.e. on administrative priority grounds). Both operators have confirmed, that, in the light of the proposed changes to the licences, a different approach would be adopted in any future network sharing arrangements and, in particular, that they would seek to comply with the additional guidance that the Authority is introducing.

**Tim Ringsdore**, CEO of the Authority said, "Today's announcement is good news for consumers in Jersey. First, it lays the ground for the next wave of mobile technology, which will benefit everyone who lives, works on or visits Jersey. Second, it affirms the importance of competition law here in Jersey. The Authority is clear that it will not allow companies to act in breach of the competition law, which is designed to ensure markets work well for the benefit of all consumers and business in Jersey. As a result of our investigation, leading to securing commitments from JT and Sure, we were able to provide clarity about network sharing in future, in a way that frees our resources to focus on widening the scope of our competition law enforcement work. We are determined that any requirements for network sharing, or any type of competitive sharing, such as 5G, are developed in a fair manner that lets all operators compete fairly, safeguarding the interests of consumers and promoting economic growth and sustainability."

**Graeme Millar**, Chief Executive Officer of JT, stated "JT is fully committed to working with the Authority to ensure that the Jersey telecoms market is fair and open, operates in the interests of consumers and that any shared networks support

open competition. With hindsight, we recognise that the MOU was not the best way of achieving these goals and we fully intend to comply with the new licence conditions going forward which provide further clarity and a transparent structure for future engagement between all the operators in Jersey.”

**Ian Kelly**, Group Chief Executive of Sure, said “Sure is committed to ensuring that markets are fair and open, because our customers expect the freedom to choose. Sure accepts that the terms of the MoU were misguided, in that they did not clearly set out how JT and Sure would achieve effective network sharing that was in the interests of consumers on Jersey or which would facilitate open competition. The detailed work that we were able to do with the Authority during the investigation has helped to clarify some of the issues around network sharing. We welcome the Authority's helpful approach to ensure that the Jersey telecoms market operates in the interests of consumers and that any shared networks support open competition. We are firmly committed to working with the Authority to ensure that we comply with good practice in relation to competition going forward." **Ends**

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#### **NOTES TO EDITORS:**

Previous statements relating to this issue can be found at <https://www.jcra.je/cases/2020/c1471gj-jt-sure-competition-law-investigation/>

Closing a case on administrative priority does not involve taking any decision about whether an infringement has occurred.

A case closed on administrative priority can be re-opened and the earlier closure does not limit or foreclose the outcomes that might be reached.

#### Other notes

The decision by the Authority is an administrative decision which has no bearing on, or effect on, the parallel investigation in relation to Guernsey undertaken by the GCRA

## **About The Jersey Competition Regulatory Authority:**

The JCRA was established under the Competition Regulatory Authority (Jersey) Law, 2001. It is responsible for administering and enforcing the Competition (Jersey) Law 2005 and also regulates the telecoms and postal sectors and the Ports of Jersey.

The JCRA strives to ensure that the markets work well for the benefit of all stakeholders, including Government, business, citizens and consumers facilitating best value, choice and access to high quality services.