



Competition Law (Jersey) 2005
Telecommunications (Jersey) Law 2002

Information Note:

Case C1471GJ Competition Law Investigation – JT (Jersey)
Limited and Sure (Jersey) Limited
and

Case T-038 Telecoms Law
Licence Modifications - JT (Jersey) Limited and Sure
(Jersey) Limited

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Information Note

The Jersey Competition Regulatory Authority (the **Authority**) has closed its Investigation (Case Number Case C1471GJ) into alleged breaches of Articles 8(1) and 16(1) of the Competition (Jersey) Law 2005 by:

- JT (Jersey) Limited (**JT**); and
- Sure (Jersey) Limited (**Sure**)

without making a decision. This is in accordance with Section 5 of our **Investigation Procedures**.

The Authority has taken this course in the light of the facts that:

- the parties have ceased the activity which was the subject of the Investigation; and
- each of JT and Sure has agreed to the introduction of certain licence conditions into its existing Licence under the Telecommunications (Jersey) Law 2002 (the Telecoms Law).

In order to effect the changes in the parties' licences, the Authority must exercise its right under each licence to modify its terms. This constitutes the carrying out of a 'specified regulatory function' and the Authority is required to follow the procedure set out in Article 11 of the Telecoms Law.

Accordingly, the Authority has published an Initial Notice dated 30 March 2021 under Article 11(1) of the Telecoms Law (the **Initial Notice**), setting out the proposed additional licence conditions for consultation, under Case Number T-038. The Initial Notice sets out:

- the text of the proposed additional licence conditions (**Licence Conditions**); and
- the process and timetable for making representations to the Authority in relation to the Licence Conditions.

The Initial Notice sets out the modifications to JT and Sure's licences under the Telecoms Law which the Authority intends to make, having taken account of its investigation (**Investigation**) under Article 26(1) of the 2005 Law into the conduct of JT and Sure (and others), as set out in its Case Opening Statement of 4 July 2019 and Statement of Objections of 20 January 2020. The Investigation related to the arrangements between JT and Sure (and others) for sharing network elements in connection with the roll-out of 5G services on Jersey.

On 30 March 2021 the Authority announced that the Investigation would be closed without a decision, in the light of certain steps JT and Sure had each made in relation to ensuring that any future sharing of network elements would be in compliance with the Competition Law. Those steps included agreeing the text of the Licence Conditions to be incorporated into their respective licences under the Telecoms Law.

The Licence Conditions will provide for clear obligations on JT and Sure 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 and include:

- a requirement to notify the Authority in advance of entering into any agreement with another operator to share network assets;
- an express requirement to comply with the 2005 Law when sharing such network assets; and
- a proportionate compliance regime.

The Authority has stated that it intends to pursue a similar consultation process in relation to introducing the Licence Conditions into the Telecoms Law licences of other telecoms providers on Jersey.

Further information will be available on the Authority's website under Case Number T-038.