



NEWS RELEASE

4 August 2021

Competition Authority issues new licence terms for Telcos

The Jersey Competition Regulatory Authority (the Authority) has issued modifications to the statutory operating licences for JT (Jersey) Limited (JT) and Sure (Jersey) Limited (Sure), following its investigation into potentially anti-competitive behaviour by the two companies.

JT and Sure had entered into a Memorandum of Understanding (the MoU) that would have enabled the companies to share a new 5G network for Jersey, which could have operated to the detriment of other operators and, ultimately, consumers.

As a result of the Authority's investigation, JT and Sure terminated the MoU and committed to assist the Authority to develop new licence and compliance conditions that would prevent such an agreement in the future. These licence conditions are implemented in the modified licences.

The new licence conditions impose 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 Jersey competition law when sharing such network assets; and
- a proportionate compliance regime.

The modified licences come into effect on 4 August 2021 and are published on the Authority's website.

Tim Ringsdore, CEO of the Authority said, "As soon as we became aware of the MoU we initiated an investigation into the behaviour of JT and Sure, who as a result immediately terminated the agreement. This protected other operators and consumers from potential anti-competitive behaviour. Rather than enter a protracted and potentially expensive legal process, we took a proportionate response and closed the investigation on the basis that JT and Sure agree to these licence changes, thus preventing a similar situation arising in the future.

"We are determined that any requirements for network sharing, or any type of competitive sharing, such as to enable the rolling out of 5G, are developed in a fair manner that lets all operators compete fairly, safeguarding the interests of consumers and promoting economic growth and sustainability.

"We have a duty to ensure that Competition Law is adhered to, and I would urge all businesses, regardless of their industry, to familiarise themselves with the Law and be clear about their responsibilities."

The Authority will now undertake a consultation process to implement similar licence conditions for all relevant telecoms operators in Jersey and will publish guidelines on fair network sharing later this year

Ends

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NOTES TO EDITORS:

Further information about this case can be found at

<https://www.jcra.je/media/598316/licence-modifications-it-and-sure-initial-notice.pdf>

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.