



# Competition (Jersey) Law 2005

## Information Note

Proposed acquisition of Jersey Airtel Limited by Sure (Guernsey) Limited (C-042)

## Information Note

Sure (Guernsey) Limited (**Sure**) is proposing to acquire Jersey Airtel Limited (**Airtel**)<sup>1</sup>, from Bharti Global Limited (the **Proposed Transaction**). In this information note, Sure and Airtel are jointly referred to as the **Parties**. The Proposed Transaction has been notified to the Jersey Competition Regulatory Authority (the **Authority**) for approval pursuant to Article 21 of the Competition Jersey Law 2005 (the **Competition Law**).

In July, the Authority determined the Proposed Transaction was likely to give rise to a substantial lessening of competition. It was therefore minded to exercise its power under Article 22 of the Competition Law by refusing to approve the Proposed Transaction, as set out in the Provisional Findings published on 12 July 2023<sup>2</sup>.

In line with its Guideline 8 on Mergers and Acquisitions (the Merger Guidelines)<sup>3</sup>, the Authority invited the Parties, and all interested third parties, to respond to the Provisional Findings. Having exceptionally extended the deadline for responses at the request of the Parties, the Authority received a proposed upfront MVNO<sup>4</sup> commitment from Sure. Despite the proposed upfront MVNO commitment being submitted at a late stage of the merger application process, following the publication of the Provisional Findings, the Authority exceptionally assessed the information received and conducted further enquiries with both Sure and the proposed MVNO.

Following consideration, the Authority determined it was in possession of insufficient information to determine whether the proposed MVNO remedy was capable of addressing the competition concerns and it would be in the best interests of consumers in Jersey to issue a request for information to enable it to duly consider the proposed upfront MVNO commitment and its effectiveness in addressing the likely substantial lessening of competition.

Therefore, in accordance with the Merger Guidelines, the Authority has decided to ‘stop the clock’ with respect to this merger application process. The process will only resume once a satisfactory response to the information request has been received by the Authority.

Enquiries should be directed to Allan Watts, Orchid Communications (T: 01534 888994 / E: allan@orchid.je).

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<sup>1</sup> Excluding Airtel’s 100% owned subsidiary Bharti House Limited

<sup>2</sup> [C-042 Sure, Airtel Provisional Findings | JCRA](#)

<sup>3</sup> [Microsoft Word - Guideline 8 - Mergers & Acquisitions - FINAL \(jcra.je\)](#)

<sup>4</sup> Mobile virtual network operator