



NEWS RELEASE

28th May 2024

Further consultation on proposed Sure acquisition of Airtel

The Jersey Competition Regulatory Authority (the Authority) has announced a further period of consultation to give interested parties an opportunity to comment on the proposed acquisition by Sure (Guernsey) Limited (Sure) of Jersey Airtel Limited (Airtel).

Background

The proposed merger of two of Jersey's three mobile phone operators was first notified to the Authority in **November 2022** and, in accordance with the provisions of the Competition (Jersey) Law 2005, has been subject of a detailed competition assessment by the Authority.

The purpose of the Authority's assessment is to protect consumers from higher prices and/or lower quality service and products by ensuring that a proposed merger does not lead to a substantial lessening of competition. In this case, in July 2023, the Authority found that the proposed merger was likely to substantially lessen competition in Jersey's retail mobile market¹.

¹[C-042 Sure, Airtel Provisional Findings | JCRA](#)

Between October 2023 and May 2024, the Authority's review of this merger was on hold as the Authority was awaiting further information from the parties. This information was received in May 2024.

Competition Concerns

Sure has submitted several commitments that it believes will mitigate the concerns of the Authority regarding the likely substantial lessening of competition in the market. In particular the entry of a Mobile Virtual Network Operator (MVNO), which would maintain the number of service providers at three in the Jersey market. MVNOs are common in other jurisdictions (such as Tesco Mobile in the UK), but this would be a first for Jersey. In this case, the proposed MVNO is the Channel Islands Co-operative.

Consultation

Today, the Authority has initiated a four-week consultation through which it is seeking views from interested parties on whether the full commitments package offered by Sure has the potential to address the Authority's competition concerns. The views provided will assist the Authority in its decision whether to refuse to approve the merger or approve it with conditions.

The Authority's consultation can be found [here](#).

Ends

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NOTES TO EDITORS:

Sure Airtel Merger Application Timeline

Date	Details
08 Nov 2022	Notice of Application published on the Authority's website and public consultation opened
21 Nov 2022	Public consultation closed
16 Dec 2022	First Detailed Review Decision (First Detailed Review) published. Authority moves to a Second Detailed Review.
Dec 22 to Apr 23	Detailed discussions with parties
21 Apr 2023	Sure submits final remedies to Authority's competition concerns
22 May 23	Public consultation (on proposed remedies) issued
16 Jun 23	Public consultation closed
July 2023	Provisional Findings published . Authority advises parties it is minded to refuse the application. Sure proposes an MVNO as a remedy to the Authority's finding of a substantial lessening of competition as a consequence of the proposed acquisition.
Oct 2023	Authority 'stops the clock' to allow parties more time to provide detail of MVNO
May 2024	Further information received from the Parties and the process restarted

The Merger and Acquisition Process

Mergers can bring many benefits to the economy by making businesses more efficient and innovative. However, some mergers also have the potential to substantially lessen competition in the market to the detriment of consumers.

The Authority administers a mandatory clearance regime for certain mergers and acquisitions and can only give clearance if it is satisfied that the merger is unlikely to the effect of substantially lessening competition in a market.

The Authority has a clear procedure to follow when considering a merger or acquisition and has helpful advice on its website about who, how and when to notify the Authority.

If a proposed merger or acquisition does qualify for notification, there is a clear process to be followed:

Phase 1

- Pre-notification discussions with the Authority.
- Submission of Draft Merger Acquisition Form (MAF) by the Parties
- Draft MAF considered by a Case Officer
- Meeting between Case Officer and Parties to discuss Draft MAF (if necessary)
- Parties submit revised Draft MAF
- Case Officer accepts Draft MAF as complete
- The Authority publishes a merger notice on its website ([example here](#)) and 10-day consultation period begins inviting feedback from interested parties/the public
- Consultation ends and State of Play meeting held between Case Officer and Parties (if necessary)
- Merger is either approved ([example here](#)), or
- Referred to a Second Detailed Review (**Phase 2**)

If during the investigation of the application, issues arise that may lead to refusal of approval for the merger or an approval with conditions, then the Authority will move to a Second Detailed Review. As soon as practicable after the commencement of the Second Detailed Review, the parties will be provided with a further information request, seeking information required to assess various “theories of harm” (i.e. the basis upon which the merger might substantially lessen competition). Once the analysis of “theories of harm” is complete, provisional findings will be issued in respect of the merger. The provisional findings will state the provisional conclusion as to whether approval of the merger should be given or refused and will set out the reasons for this provisional conclusion and the evidence upon which it is based. The parties, and all third parties who have registered an interest in the merger, will be invited to respond to the provisional findings, and will also be given the opportunity to meet with Case Officers. There is no statutory deadline for the conclusion of a second detailed review. However, the Authority will endeavour to reach a final decision within six months from the date of first registration of the application (i.e. commencement of the preliminary review or first detailed review). If there are any requests for further information from the parties, this will “stop the clock” with respect to this timetable, which will only resume once a satisfactory response to the information request has been received. The final decision will be published on the website.

About The Jersey Competition Regulatory Authority:

The Authority 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 Authority 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.