Case T-002

Price Notification Framework

Non-statutory Draft Decision

Document No: JCRA 26/62 Date: 02 November 2026

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1 Executive summary

1.1 This document sets out the Jersey Competition Regulatory Authority's (the **JCRA**) non-statutory Draft Decision on the price notification framework that applies to JT (Jersey) Limited (**JT).** The JCRA proposes to implement changes to the framework through a modification to Condition 37.1 of JT's Class III Licence and the publication of associated Guidance.

1.2 The framework forms part of the regulatory obligations applicable to operators with Significant Market Power (**SMP**). Under Condition 37.1 of its Class III Licence, JT is currently required to notify and publish certain price changes, discounts and special offers.

1.3 As part of the Telecoms Market Review[1], the JCRA identified a need to review and update the existing price notification framework. The proposed modification to Condition 37.1 and the associated Guidance form part of that wider programme of work, and are intended to better align the requirements with current SMP findings and the wider regulatory framework.

1.4 The proposed modification would update the existing framework to reflect current SMP findings, focus obligations on relevant services, extend the notification period to 28 days and clarify notification and publication requirements.

1.5 The JCRA has also published draft Guidance alongside this document. This provides clarity regarding the scope of the notification obligation, notification and publication requirements, the operation of the 28-day notification period and the JCRA's expectations regarding JT's compliance.

1.6 The JCRA is seeking responses to the questions set out at the end of this document by 5pm on Monday 30 November 2026. Following consultation, the JCRA will consider all responses received and publish a Final Decision. Subject to the conclusions reached, the JCRA will then proceed with the statutory licence modification process.

[1] See: T-083 - Telecoms Market Review | JCRA

2 Background

2.1 This chapter covers the:

- Current framework;
- Telecoms Market Review;
- Role of price notifications; and
- Consultation process.

Current framework

2.2 The Telecommunications (Jersey) Law 2002 (the Law) establishes a legislative framework for telecoms regulation in Jersey. The JCRA is responsible for administering and enforcing the Law and licences granted under the Law.

2.3 In the context of telecommunications services, where a Licensee holds SMP in a relevant market, additional licence conditions may apply. JT has been found to hold SMP in a number of telecommunications markets and is subject to additional obligations under Part IV of its Class III Licence. These obligations include requirements relating to interconnection, access, fair competition and price notifications.

2.4 The Telecoms Market Review Final Decision[2] set out the market definitions and SMP findings across the telecommunications sector. It found that JT holds SMP in a number of wholesale telecommunications markets.

2.5 Consistent with regulatory policy and established practice, ex ante regulation is focused primarily on wholesale markets where SMP has been identified. This includes obligations relating to access, pricing and other wholesale remedies designed to support effective competition in downstream retail markets.

2.6 Licence Condition 37.1 sets out the current price notification requirements - see Box 1.

Box 1 The current Licence Condition 37.1

37.1 Where the Licensee intends to introduce:

(a) new prices for any Telecommunication Services, or prices for new Telecommunication Services to be introduced by the Licensee;

(b) any discounts to published prices for Telecommunication Services within a relevant market in which the Licensee has been found to be dominant, or for any Subscribers to whom additional services or goods are provided by the Licensee or any of its Subsidiaries or Joint Venture; or

(c) special offers to all or any of its customers for particular categories of Telecommunication Services where those Telecommunication Services have been found to be within a relevant market in which the Licensee has been found to be dominant,

[2] See: 2025-07-16-t-083-telecoms-market-review-final-decision.pdf

it shall publish the same at least twenty-one (21) days prior to their coming into effect or otherwise as required by Telecommunications (Jersey) Law and provide full details of the same to the JCRA.

2.7 The price notification framework has been operationalised through email submissions and the JT Wholesale Portal. The JCRA reviews notifications on a case-by-case basis, seeking clarification where necessary and engaging with JT to address any concerns prior to implementation. This includes responding to any concerns raised by OLOs.

Telecoms Market Review

2.8 The Telecoms Market Review considered the future operation of Licence Condition 37.1 and identified potential refinements to the existing framework, including extending the notification period and reviewing the notification process – see Box 2.

Box 2 Telecoms Market Review considerations

In the Telecoms Market Review Draft Decision, the JCRA considered the operation of Licence Condition 37.1. It was noted that, as the market has evolved, price notifications and promotions have become increasingly frequent and complex. In light of these developments, the JCRA was considering potential refinements to the existing framework, including extending the advance notification period to 28 days and reviewing the approach and process applied to notifications prior to their proposed implementation date.

There was a range of views expressed and the Telecoms Market Review Final Decision set out:

'*It (the JCRA) is giving further consideration to the scope and application of Licence Condition 37 of JT's Licence and remains minded to extend the notification period to 28-days. Work on this and other matters related to this area will be progressed separately as a follow up project to the Review. This will seek to ensure there is an appropriate level of transparency and scrutiny while maintaining incentives to compete (in retail markets) and will draw on the analysis carried out for the Review, alongside further consideration of best practice.*' Paragraph 4.37

Role of price notifications

2.9 Following the Telecoms Market Review, the JCRA has undertaken a further assessment of the scope and operation of Licence Condition 37.1. While market developments support a more targeted and proportionate approach to price notifications, the JCRA considers that the framework continues to serve an important regulatory function.

2.10 Indeed, different price notification frameworks continue to apply in other jurisdictions. In the UK for example, there remains an SMP and licence-based approach and a recent Ofcom statement illustrates the role and importance of a price notification framework.[3] The

[3] In this case Ofcom decided to direct Openreach to withdraw an notified offer because it concluded that the pricing terms could undermine rival network operators' ability to compete, potentially weakening long-term investment and competition in full-fibre networks. See: https://www.ofcom.org.uk/phones-and-broadband/telecoms-infrastructure/openreachs-proposed-commercial-offers

JCRA has frequently engaged with JT on its price notifications, on a case-by-case basis, with a view to ensuring fair competition.

2.11 In broad terms, price notifications:

- Provide the JCRA with a means of monitoring price and product changes in relevant markets;
- Allow potential concerns to be identified and, where appropriate, addressed before they affect the market;
- Provide Other Licensed Operators (**OLOs**) with notice of changes to wholesale inputs on which they rely, enabling them to adapt their retail offerings in a timely manner; and
- Promote a more level playing field by improving transparency and reducing the risk that vertical integration may confer an unfair advantage.

2.12 Price notifications remain an important instrument to help promote and sustain competition, and while wholesale remedies are necessary for the promotion of downstream competition, they may be accompanied by additional measures such as price notifications.

2.13 For example, an operator with SMP in wholesale markets and subject to economic regulation can still potentially distort downstream (retail) competition by means of a 'margin squeeze'. Indeed, JT has previously been found to have contravened certain licence conditions in that regard.[4] A price notification framework can therefore act as a form of deterrent and reduce the likelihood of any anti-competitive behaviour.

2.14 Further, the effectiveness of wholesale remedies often requires wider oversight (but not additional economic regulation). In this context, it is appropriate to require JT to notify changes in the retail prices or terms of services that rely upon telecommunications services supplied within markets where it has been found to have SMP.

2.15 Where concerns arise from changes to pricing, a price notification process can also reduce the cost of regulatory intervention and disruption to the licensee, customers and competitors by allowing an opportunity for informal resolution of any issues before they impact the market. This is consistent with best practice application of ex ante regulatory principles and JCRA experience in practice.

2.16 The JCRA's proposed approach is proportionate, and in the context of certain notification requirements, recognised by JT as necessary: "*JT does, however, understand and accept that it can be required to notify the JCRA in advance of implementing new prices/promotions to allow the JCRA to ensure that there is no margin squeeze present between the upstream wholesale input price and the downstream retail price.*"[5]

2.17 The JCRA considers that the framework should evolve alongside market developments and the wider regulatory framework. In particular, the focus of ex ante regulation on wholesale markets, where SMP has been identified, means that a more targeted and proportionate approach to price notifications is now appropriate.

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[4] T1209J - JT Broadband Margin Squeeze | JCRA

[5] See p13, 2025-07-16-t-083-dd-jt-jersey-limited-response-public.pdf

Consultation process

2.18 The JCRA's approach to consultations was set out in an Information Note in July 2018.[6] The Information Note outlines the process to be undertaken before carrying out certain regulatory functions in accordance with the relevant statutory process. Consistent with this, this Draft Decision will be followed by a Final Decision. The JCRA will then proceed to modify JT's Licence in accordance with the statutory process, including the publication of an Initial Notice and Final Notice. The Final Guidance will be issued alongside the Final Notice.

[6] g1369gj-regulatory-consultation-process-information-note.pdf (jcra.je)

3 Overview of the proposed Licence Condition

3.1 This chapter sets out the JCRA's proposed modification to Licence Condition 37.1. The JCRA is seeking stakeholder comments and views on the following consultation question.

Consultation question

Question 1: Do you agree with the proposed modification to Licence Condition 37.1? If not, please provide your analysis and assessment.

3.2 The purpose of the proposed modification is to align the price notification framework more closely with current SMP findings and the wider regulatory framework. The JCRA considers that this will give effect to a more targeted and proportionate regulatory oversight whilst maintaining transparency and supporting effective competition. In particular, it would:

- Apply the notification obligation to telecommunications services supplied within markets where JT has been found to have SMP;
- Apply the notification obligation to changes in the prices or terms of services that rely upon telecommunications services supplied within markets where JT has been found to have SMP, given the potential impact of changes on downstream competition;
- Distinguish between notifications that must be notified and published and those which must be notified to the JCRA only; and
- Extend the advance notification period from 21 days to 28 days.

3.3 The proposed Licence Condition is set out in Box 3 with a marked-up version in Annex 1. The associated draft Guidance is summarised in the next chapter.

Box 3 Proposed Licence Condition 37.1

37.1 Where the Licensee intends to introduce:

(a) within a relevant market in which the Licensee has been found to have Significant Market Power:

(i) any changes to the price at which, or the terms on which, any Telecommunications Services are to be provided;

(ii) any new Telecommunications Services; or

(iii) a special offer to all or any of its customers for particular categories of such Telecommunications Services; or

(b) any changes to the price at which, or the terms on which, any Telecommunications Services are provided where those Telecommunications Services are supplied using, or are otherwise dependent upon, Telecommunications Services provided by the Licensee in a relevant market in which the Licensee has been found to have Significant Market Power,

it shall, at least twenty-eight (28) days prior to their coming into effect, or otherwise as required by the Telecommunications (Jersey) Law 2002:

(i) provide full details of the same to the JCRA, including the price and the terms on which the same will be introduced and any proposed change to existing terms connected with the same; and

(ii) where Condition 37.1(a) applies, publish the same.

4 Overview of the proposed Guidance

4.1 This chapter provides an overview of the draft Guidance that will support the operation of the proposed modified Licence Condition 37.1. The Guidance is being consulted on alongside the proposed licence modification set out in Chapter 3. The JCRA welcomes views on the consultation questions below.

Consultation questions

Question 2: Do you agree with the proposed Guidance on the operation of Licence Condition 37.1? If not, please provide your analysis and assessment.

Question 3: Do you consider that the proposed overall framework is proportionate and effective? If not, what changes would you propose?

4.2 The draft Guidance published alongside this Draft Decision is intended to replace the existing guidance on price notifications.[7] The existing guidance was developed under the current Licence Condition 37.1 and does not reflect the proposed modifications set out in this Draft Decision. If the proposed modification to the Licence is adopted, the JCRA proposes to withdraw the existing guidance, and publish a final version of the new Guidance in its place.

4.3 The purpose of the draft Guidance is to provide greater clarity regarding the scope and operation of the notification obligation, and the JCRA's expectations regarding JT's compliance with Licence Condition 37.1.

4.4 In particular, the draft Guidance explains:

- The telecommunications services that are subject to the notification obligation;
- The distinction between Conditions 37.1(a) and 37.1(b);
- The information that JT would be expected to provide when submitting a notification;
- The notification and publication requirements that apply under the proposed framework;
- The operation of the proposed 28-day notification period; and
- The JCRA's proposed approach to compliance, monitoring and complaints.

4.5 The JCRA considers that the Guidance will support the consistent and transparent operation of the modified Licence Condition by providing clarity to JT, OLOs and other interested stakeholders regarding the application of the notification framework in practice.

4.6 Stakeholders are encouraged to review both the proposed Licence Condition and the draft Guidance when responding to this consultation.

[7] See: T001/06 - Final Notice and a Guideline regarding compliance with the price publication requirements of its licence - Guideline | JCRA; and
T1239GJ - Guideline - Notification of changes to price regulated services | JCRA

5 Consultation and next steps

5.1 This chapter sets out the consultation process and the next steps in relation to the proposed modification to Licence Condition 37.1 and the associated draft Guidance.

Consultation process

5.2 The JCRA invites written views and comments on the questions raised throughout this document and presented together below, to be made by 5pm on 30 November 2026. The JCRA encourages respondents to provide comments that are supported by evidence. Less weight may be given to submissions that cannot be supported by evidence.

Consultation questions

Question 1: Do you agree with the proposed modification to Licence Condition 37.1? If not, please provide your analysis and assessment.

Question 2: Do you agree with the proposed Guidance on the operation of Licence Condition 37.1? If not, please provide your analysis and assessment.

Question 3: Do you consider that the proposed overall framework is proportionate and effective? If not, what changes would you propose?

5.3 Responses can be submitted by email to info@jcra.je or alternatively in writing to:

Jersey Competition Regulatory Authority
2nd Floor Salisbury House
1-9 Union Street
St Helier
Jersey
JE2 3RF

5.4 All responses should be clearly marked: 'Price Notification Framework Draft Decision'. The JCRA's normal practice is to publish responses to consultations on its website. Respondents should clearly identify any information they consider to be commercially confidential and provide a redacted version suitable for publication.

Next steps

5.5 Following the close of consultation, the JCRA will review all responses received and consider whether any changes should be made to the proposed licence modification and draft Guidance. The JCRA's conclusions will be set out in a Final Decision.

5.6 Subject to those conclusions, and if the JCRA decides to proceed with the proposed licence modification, the JCRA will commence the statutory licence modification process. This will include the publication of an Initial Notice and a Final Notice in accordance with the Telecommunications (Jersey) Law 2002. The final Guidance will be published alongside the Final Notice.

Annex 1: Licence Condition 37.1 (Tracked Changes Version)

This Annex provides a marked-up version of the proposed modification to Licence Condition 37.1, showing the changes from the current Licence Condition. Deleted text is shown in red strikethrough. Added text is shown in blue underline.

Box 4 Licence Condition 37.1 (Tracked Changes Version)

37.1 Where the Licensee intends to introduce:

~~(a) new prices for any Telecommunication Services, or prices for new Telecommunication Services to be introduced by the Licensee;~~

~~(b) any discounts to published prices for Telecommunication Services within a relevant market in which the Licensee has been found to be dominant, or for any Subscribers to whom additional services or goods are provided by the Licensee or any of its Subsidiaries or Joint Venture; or~~

~~(c) special offers to all or any of its customers for particular categories of Telecommunication Services where those Telecommunication Services have been found to be within a relevant market in which the Licensee has been found to be dominant,~~

(a) within a relevant market in which the Licensee has been found to have Significant Market Power:

(i) any changes to the price at which, or the terms on which, any Telecommunications Services are to be provided;

(ii) any new Telecommunications Services; or

(iii) a special offer to all or any of its customers for particular categories of such Telecommunications Services; or

(b) any changes to the price at which, or the terms on which, any Telecommunications Services are provided where those Telecommunications Services are supplied using, or are otherwise dependent upon, Telecommunications Services provided by the Licensee in a relevant market in which the Licensee has been found to have Significant Market Power,

~~it shall publish the same at least twenty-one (21) days prior to their coming into effect and provide full details of the same to the JCRA.~~

it shall, at least twenty-eight (28) days prior to their coming into effect or otherwise as required by Telecommunications (Jersey) Law 2002:

(i) provide full details of the same to the JCRA, including the price and the terms on which the same will be introduced and any proposed change to existing terms connected with the same; and

(ii) where Condition 37.1(a) applies, publish the same.