

**THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY**

25th September, 2024

Proposition No. P.2024/75

**Temporary and Limited Exemption to the Competition Law to enable Guernsey Airtel
Limited to exit the market by way of acquisition by Sure (Guernsey) Limited**

AMENDMENT

Proposed by: Deputy N Inder

Seconded by: Deputy S Kazantseva-Miller

- (a) In proposition 2, immediately after "To approve the draft Ordinance entitled "The Competition (Time Limited Exemption) (Guernsey) Ordinance, 2024" as set out in Appendix 2 to the Policy Letter," insert ", subject to the amendments indicated below,"; and
- (b) at the end add the following:-

"Amendments

- 1. In clause 1 of the draft Ordinance,
 - a. for "Any agreement between entities", substitute "Any agreement between Sure (Guernsey) Limited ("**Sure**") and Guernsey Airtel Limited ("**Airtel**"), both of which are companies".
 - b. after the definition of the Telecommunications Law insert "for Sure to acquire Airtel" and
 - c. in paragraph (b) for "the licensees" substitute "Sure and Airtel".
- 2. In clause 2(1) of the draft Ordinance, delete "between entities", and for "on the relevant licence" substitute "on the licence of Sure".
- 3. In clause 3 of the draft Ordinance, delete "on a licence" and substitute "section" for the word "subsection".

Rule 4(1) Information

- a) The Propositions contribute to the States' objectives to grow economic competitiveness, which is one of the general principles in the reset of the Government Work Plan.
- b) In preparing the propositions, consultation has been undertaken with Sure (Guernsey) Limited, Guernsey Airtel Ltd, JT and the Guernsey Competition and Regulatory Authority, the Jersey Competition and Regulatory Authority (JCRA) and Frontier Economics.
- c) The Propositions have been submitted to His Majesty's Procureur for advice on any legal or constitutional implications.
- d) There are no financial implications for the States of Guernsey if the proposition is successful.

Explanatory note

This Amendment amends the draft Ordinance to specify the transaction and the specific legal entities to which the exemption applies, for the purpose of clarifying the Ordinance's purpose and effect.

The Competition (Time Limited Exemption) (Guernsey) Ordinance, 2024

THE STATES, in pursuance of their Resolution of the ** day of September, 2024^a, and in exercise of the powers conferred on them by sections 1 and 5 of the Competition (Enabling Provisions) (Guernsey) Law, 2009^b and all other powers enabling them in that behalf, hereby order:-

Time limited exemption.

1. Any agreement between Sure (Guernsey) Limited ("Sure") and Guernsey Airtel Limited ("Airtel"), both of which are companies ~~entities~~ licensed under the Telecommunications (Bailiwick of Guernsey) Law, 2001^c ("the Telecommunications Law"), for Sure to acquire Airtel is exempt from section 13 of the Competition (Guernsey) Ordinance, 2012^d, provided the following conditions are met

–

- (a) such agreement is concluded in 2024, and
- (b) ~~both Sure and Airtel each licensee~~ the licensee gives the Authority one month's written notice in advance of the

^a Article * of Billet d'État No. ** of 2024.

^b Order in Council No. XV of 2009; this enactment has been amended.

^c Order in Council No. XIV of 2001; this enactment has been amended.

^d Ordinance No. XXXI of 2012; this enactment has been amended.

completion date of such agreement ("the **Completion Date**").

Imposition of licence conditions where there is an exempted agreement.

2. (1) Where the Authority is likely to be notified of an agreement ~~between entities~~ pursuant to section 1, the States may by Resolution direct that after such notification the Authority shall impose conditions on the ~~relevant~~ licence of Sure, by making modifications to that licence.

(2) Where the States by Resolution directs that the Authority shall impose conditions in accordance with subsection (1) –

- (a) the Authority shall do so within 14 days of being notified in accordance with section 1(b),
- (b) the conditions imposed shall take effect from the Completion Date and in accordance with section 8 of the Telecommunications Law, and
- (c) section 8(2) of that Law does not apply to such conditions.

Enforcement of licence conditions where there is an exempted agreement.

3. Where the Authority has imposed conditions ~~on a licence~~ pursuant to section 2, ~~sub~~section 27(3) of the Telecommunications Law does not apply to any such conditions imposed and the Authority may instead give directions under section 27 relating to those conditions upon 14 days' notice.

Interpretation.

4. In this Ordinance, "**Authority**" means the Guernsey Competition and Regulatory Authority.

Citation.

5. This Ordinance may be cited as the Competition (Time Limited Exemption) (Guernsey) Ordinance, 2024.

Commencement.

6. This Ordinance shall come into force on the day on which it is made by the States.