



Class Exemption for Travel eSIM Services

T1725G

DIRECTION

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1. SUMMARY

- 1.1 This document sets out the GCRA’s decision to issue a class exemption direction for certain Travel eSIM Services under sections 1(3) and 1(4) of the Telecommunications (Bailiwick of Guernsey) Law, 2001.
- 1.2 The Direction applies where Travel eSIM Services would otherwise require a telecommunications licence. It provides regulatory clarity because some Travel eSIM Services may fall within scope of the Telecoms Law where they are used in, or facilitated from within, the Bailiwick.
- 1.3 The GCRA considers that individual licensing would not be effective or proportionate, given the global and digital nature of the Travel eSIM Services market. The Direction therefore provides a clear and proportionate exemption, while Local Licensed Operators remain subject to their existing licence obligations.

2. STRUCTURE OF THIS DOCUMENT

- 2.1 This document is structured as follows:

Section 3	Outlines the legal background to this Direction (class exemption)
Section 4	Sets out the reasoning for giving the Direction (class exemption)
Section 5	Contains the Direction (class exemption)

3. LEGAL BACKGROUND

- 3.1 Section 1(1) of the Telecommunications (Bailiwick of Guernsey) Law, 2001 (“Telecoms Law”) provides, in material part, as follows:

“Subject to the provisions of subsections (2) and (3), a person shall not –

- (a) establish, operate or maintain a telecommunications network, or
- (b) provide a telecommunications service,

in the Bailiwick except under the authority of and in accordance with the conditions of a licence granted by [the Guernsey Competition and Regulatory Authority (“the Authority”)] under this Part of this Law”.

- 3.2 Section 1(3) of the Telecoms Law provides that:

“The [Authority] may, having regard to the objectives set out in section 2 of the Regulation Law, and subject to the provisions of any States’ Directions, by direction grant an exemption from subsection (1).”

- 3.3 Section 1(4) of the Telecoms Law provides that:

“An exemption under subsection (3) –

- (a) may be granted to a particular person or particular class of persons,
- (b) may be granted subject to such conditions as the [Authority] may think fit,

- (c) when granted to a particular class of persons, shall be published, and
 - (d) unless previously revoked in accordance with any term contained in the exemption, shall continue in force for such period as may be specified in or determined by or under the exemption.”
- 3.4 Telecommunications service is defined in section 31 of the Telecoms Law as:
- “a service consisting of the emission, transmission, switching, conveyance or reception of messages within, to or from the Bailiwick by means of a telecommunications network”.

4. REASONS FOR GIVING THE DIRECTION

- 4.1 Travel eSIM services allow end-users to obtain temporary mobile connectivity through a remotely provisioned eSIM profile for use while travelling into, or away from, the Bailiwick (“**Travel eSIM Services**”).
- 4.2 The GCRA considers that some Travel eSIM Services may fall within the definition of “telecommunications service” in section 31 of the Telecoms Law. This is because, where a Travel eSIM Service is used in the Bailiwick, or is otherwise facilitated by telecommunications network equipment or facilities in the Bailiwick, it may involve the ‘emission, transmission, switching, conveyance or reception of messages within, to or from the Bailiwick by means of a telecommunications network’.
- 4.3 By contrast, where a Travel eSIM Service is purchased by a person in the Bailiwick but is used, and messages routed, wholly outside the Bailiwick, the GCRA considers that the service is unlikely to fall within scope of the Telecoms Law. This includes cases where the end-user uses the service overseas and the relevant network equipment, facilities and routing arrangements used to provide the service are also outside the Bailiwick. In those circumstances, the relevant telecommunications activity does not take place within, to or from the Bailiwick.
- 4.4 Where a Travel eSIM Service does fall within scope of the Telecoms Law, the provider must either hold a telecommunications licence or be exempt from the requirement to hold one. The GCRA considers that issuing this Direction is therefore necessary to clarify the regulatory position and ensure that providers of captured Travel eSIM Services are not providing licensable services in the Bailiwick without the necessary authorisation.
- 4.5 The GCRA does not consider that individual licensing would be an effective or proportionate response. The market for Travel eSIM Services is global, digital and borderless. Many providers operate from outside the Bailiwick, supply services through apps, websites and other digital platforms, and have no local presence or assets in Guernsey. It would therefore be difficult for the GCRA to identify all relevant providers, determine whether they are providing services which fall within scope of the Telecoms Law, and require them to apply for a Guernsey licence, pay the relevant licence fee and comply with ongoing licence obligations. Given the modest size of Guernsey relative to the wider international Travel eSIM Services market, many providers may also be unlikely to engage with a local licensing process.
- 4.6 The GCRA has therefore decided to give this Direction in the terms set out in section 5 below. The Direction provides a clear and proportionate class exemption for providers of Travel eSIM Services, to the extent that those services would otherwise require a licence under the Telecoms Law. It gives regulatory clarity, avoids disproportionate regulation, preserves consumer choice, and protects the integrity of the licensing framework.

- 4.7 Pursuant to section 1(4)(c) of the Telecoms Law, this Direction will be published on the GCRA's website: www.gcra.gg and notice of its availability shall be published in La Gazette Officielle.

5. DIRECTION

- 5.1. For the reasons set out above, the GCRA hereby gives the following direction pursuant to section 1(3), (4) of the Telecoms Law.

DIRECTION

1. This Direction is made by the Guernsey Competition and Regulatory Authority pursuant to section 1(3), (4) of the Telecommunications (Bailiwick of Guernsey) Law, 2001. It shall apply from 24 July 2026 and shall remain in force until a further decision of the Authority.
2. For the purposes of this Direction:
 - a. **"Authority"** means the Guernsey Competition and Regulatory Authority;
 - b. **"Direction"** means this direction;
 - c. **"Local Licensed Operator"** means the holder of a licence granted by the Authority pursuant to s.1(1) of the Telecoms Law to establish, operate or maintain a telecommunications network and/or or to provide a telecommunications service in the Bailiwick of Guernsey;
 - d. **"Telecoms Law"** means the Telecommunications (Bailiwick of Guernsey) Law, 2001;
 - e. **"Telecommunications Licence"** means a licence granted by the Authority pursuant to s.1(1) of the Telecoms Law to establish, operate or maintain a telecommunications network and/or or to provide a telecommunications service in the Bailiwick of Guernsey;
 - f. **"Transitory"** means a period not exceeding thirty consecutive calendar days;
 - g. **"Travel eSIM Services"** means the provision to a consumer of voice, SMS or data connectivity through a remotely provisioned eSIM profile, on a transitory basis, for the purpose of enabling an end-user to access mobile connectivity while travelling into, or away from, the Bailiwick of Guernsey.
3. The Authority directs that a provider of Travel eSIM Services shall be exempt from the requirement to obtain a Telecommunications Licence provided that:
 - a. That provider is not a Local Licensed Operator; and
 - b. The Travel eSIM Services are provided to a consumer of those services for a period not exceeding thirty consecutive calendar days.
4. This Direction will be published on the Authority's website: www.gcra.gg and notice of its availability will be published in La Gazette Officielle.