

Press release

## FREQUENCIES – FRENCH OVERSEAS TERRITORIES

### **Arcep fines Free Caraïbe for failing to meet rollout obligations in Guadeloupe, Guiana, Martinique, Saint-Barthélemy and Saint-Martin**

Paris, 18 October 2022

In 2017, Arcep awarded operator Free Caraïbe frequencies in Guadeloupe, Guiana, Martinique, Saint-Barthélemy and Saint-Martin<sup>i</sup>. In December 2020, the Arcep body responsible for investigations and legal proceedings (RDPI), ascertained that Free Caraïbe had failed to meet its rollout obligations, and issued the operator with a formal notice to comply by 31 December 2021 at the latest. Having ascertained that this deadline was not met, on 26 September Arcep's Restricted body decided to fine Free Caraïbe €300,000.

#### **Free Caraïbe failed to meet its rollout obligations, for each territory, whose aim is to ensure that the entire population obtains superfast mobile coverage**

The Arcep Decision awarding frequencies to Free Caraïbe in the 800 MHz, 900 MHz, 1800 MHz, 2.1 GHz and 2.6 GHz bands<sup>ii</sup>, stipulates rollout obligations. Free Caraïbe was obligated to be providing a telephone service and superfast mobile access, by 22 November 2018, to:

- 50% of the population of Guadeloupe;
- 30% of the population of Guiana;
- 50% of the population of Martinique;
- 75% of the population of Saint-Barthélemy;
- 75% of the population of Saint-Martin.

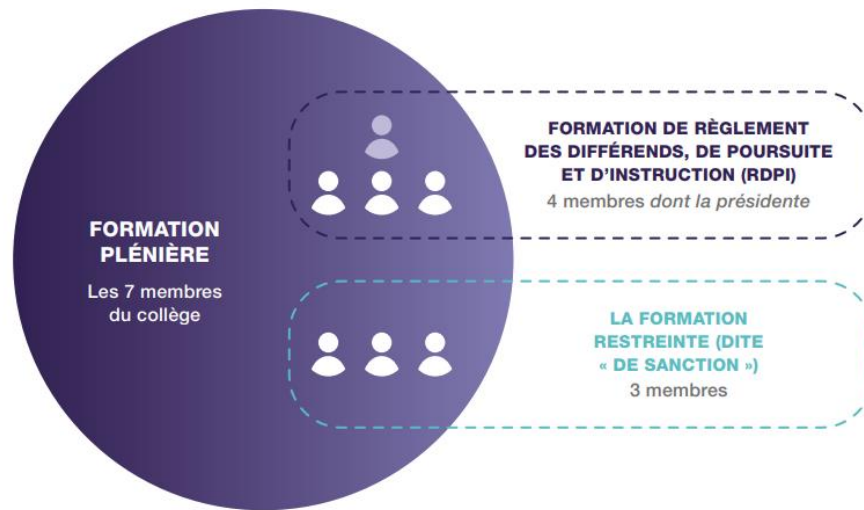
Through the information gathered during the investigative process, the Arcep body responsible for investigations and legal proceedings (RDPI), was able to ascertain that Free Caraïbe had failed to meet its obligations as of 22 November 2018, and issued the operator with a formal notice to comply with said obligations. On 12 April 2022, after having ascertained that Free Caraïbe was unable to justify its failure to meet its obligations by the deadline set in the notice to comply, the RDPI body notified the operator of these grievances and, accordingly, forwarded the dossier to the Restricted body.

The fine imposed on Free Caraïbe, for failure to meet the deadline set in the notice to comply, was decided by Arcep's Restricted body, following an inter partes procedure.

In particular, the Restricted body considered the failure to comply, the rate of progress of Free Caraïbe deployments since the notice to comply deadline, the rollout of subscription plans since 17 May 2022, as well as the operator's past and upcoming investments in its network.

## Arcep's power to impose penalties, exercised by two distinct Executive Board bodies

Arcep's different competencies are exercised within three distinct Executive Board bodies. Legal proceedings and investigations are handled by the RDPI body, while any possible penalties are decided by the Restricted body.



### **Associated document:**

[Arcep Decision No. 2022-1840-FR dated September 26, 2022 imposing a penalty on Free Caraïbe pursuant to Article L. 36-11 of the Post and Electronic Communications Code](#)

### **Arcep at a glance**

The Regulatory Authority for Electronic Communications, Postal Affairs and Print Media Distribution (Arcep), a neutral and expert arbitrator with the status of independent administrative authority (IAA), is the architect and guardian of internet, fixed and mobile communications and postal networks in France.

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<sup>i</sup> [Decision No. 2017-1038](#)

<sup>ii</sup> [Decision No. 2017-1038](#)