Fibre broadband rollout in Mayotte: the Autorité de la concurrence orders interim measures against Orange

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Background

Following complaints filed by Réunicable and its subsidiary Mayotte THD, as well as by the *département-region* of Mayotte, regarding Orange's practices in the rollout of Fibre-to-the-Home (FttH) in Mayotte, the *Autorité* has imposed interim measures.

The complainants criticised Orange's decision to unilaterally roll out a FttH network from March 2025 in five of Mayotte's 17 municipalities, even though, in January 2025, the *département-region* had granted Mayotte THD a public service delegation (PSD) to roll out an FttH network throughout Mayotte.

The *Autorité* considered that Orange's conduct was likely to constitute an abuse of a dominant position and cause serious and immediate harm to the sector concerned and the interests of the complainants and consumers in Mayotte.

Orange's decision, which was imposed on the complainants, is likely to result in a significant loss of revenue for Mayotte THD, jeopardising the financial stability of the PSD and public funding for the network.

This situation threatens to deprive consumers in the least densely populated areas of Mayotte of access to FttH services for an extended period and risks exposing them to an uncoordinated rollout of ultra-high-speed broadband infrastructure.

The *Autorité* therefore orders Orange to:

- suspend the rollout of its fibre network in Mayotte, as well as any commercial canvassing of operators in the wholesale market for access to the fibre local loop in areas where the network has not yet been rolled out. At Orange's

request, this injunction be lifted or revised in the event of abnormal delays to the public initiative network (PIN), the conclusion of a co-rollout agreement covering the whole of Mayotte, or an adjustment to the PSD to incorporate Orange's existing rollouts, together, where appropriate, with an adjustment to the public funding arrangements for the project;
- provide the French electronic communication, post and print media distribution regulator (*Autorité de régulation des communications électroniques, des postes et de la distribution de la presse* – ARCEP) and the *département-region* with an overview of Orange's fibre rollout in Mayotte to date, as well as a report on the condition of the copper network and infrastructure; and
- guarantee the concession holder access, as and when required, to the broadband and ultra-high-speed broadband civil engineering infrastructure under Orange's control in Mayotte, for the purposes of rolling out the PIN project.

Complaints from the *département-region* and Mayotte THD

In November 2025, the *Autorité de la concurrence* received a complaint from Réunicable and its subsidiary Mayotte THD, an ultra-high-speed broadband provider in Mayotte, followed in March 2026 by a complaint from the *département-region* of Mayotte, concerning practices by Orange. By decision of the General Rapporteur, the two complaints – which were accompanied by requests for interim measures – were combined into a single case.

The complainants criticised Orange's decision to roll out a Fibre-to-the-Home (FttH) network from March 2025 in five of the territory's 17 municipalities, even though, in January 2025, the *département-region* had granted Mayotte THD an exclusive public service delegation (PSD) to roll out an FttH network throughout Mayotte.

Context

The practices in question took place in the context of the nationwide rollout of fibre broadband under the French government's ultra-high-speed broadband plan (*France très haut débit* – PFTHD). Adopted in 2013, this strategy aims to combine public and private investment in order to provide the entire national territory with high-speed, and subsequently very high-speed, connectivity. The practices also took place in the context of Orange's gradual closure, by 2030, of the copper network throughout France, of which it is the sole owner.

Mayotte, a territory requiring public financial support for fibre rollout

Under the regulatory framework of the French electronic communication, post and print media distribution regulator (*Autorité de régulation des communications électroniques, des postes et de la distribution de la presse* – ARCEP), the territory of Mayotte is classified as a "*less densely populated area under public initiative*", where low population density means the expected future revenues from a fibre network are too low to cover the costs of its rollout. This rollout cannot therefore be financed through private investment, owing to insufficient economic returns, and consequently relies on financial support from the public authorities as part of public initiative networks (PIN).

Following a call for tenders by the *département-region*, in which Orange also submitted a bid, Réunicable was selected as the sole concession holder under a public service delegation (PSD) for the rollout and operation of fibre local loops. The delegation, which covers all 17 municipalities of Mayotte, was signed on 14 January 2025. Réunicable entrusted the project to an ad hoc subsidiary called Mayotte THD.

Cyclone Chido and Orange's decision to roll out fibre at the expense of rebuilding the copper local loop network

On 14 December 2024, Mayotte was devastated by Cyclone Chido, which destroyed three-quarters of the overhead copper local loop infrastructure, the historic fixed-line telecommunications network of France Télécom (now Orange), which accounted for 80% of Orange's network.

Following the cyclone, Orange decided not to fully rebuild the copper local loop network, which is due to be completely phased out by 2030 at the latest, but instead to replace it – in five of the territory's 17 municipalities (among the most densely populated and therefore the most profitable) – with a new fibre network. In March 2025, Orange began to roll out an FttH network in these municipalities using its own funds, unilaterally and without prior consultation with the *département-region* and/or Mayotte THD, with a view to connecting 27,771 premises by 2030.

The government's financial commitment jeopardised by the risk of duplicate network rollout

The coexistence of the PSD and Orange's project created a risk of duplicate fibre network rollout. The French national agency for regional public authorities (*Agence nationale des collectivités territoriales* – ANCT), which is responsible for assessing public funding applications, therefore suspended its assessment of the PSD's funding application, on the basis the duplicate rollout was contrary to the objectives of the PFTHD. Consequently, the French government's financial commitment to the PIN has been indefinitely put on hold.

Conduct likely to constitute an abuse of a dominant position

At this stage of the investigation, the *Autorité* considered that Orange's decision to unilaterally roll out a fibre network using its own funds was likely to constitute an abuse of a dominant position within the meaning of Article 102 of the Treaty on the Functioning of the European Union (TFEU) and Article L. 420-2 of the French Commercial Code (*Code de commerce*).

In particular, in initiating the project, Orange could not have been unaware that it was undermining the economic balance of the PSD. It imposed complex rollout arrangements that excluded any meaningful consultation with Mayotte THD or the *département-region*, even though the economic rationale for the rollout was

uncertain and alternative solutions that would have been less detrimental to the interests of the parties were available, such as adapting the arrangements for the rollout and/or its financing.

Serious harm to the interests of the complainants, the sector and consumers

Harm to Mayotte THD's interests

The PIN project involving Mayotte THD is conditional on a French government subsidy, the payment of which is uncertain in view of the established risk of duplicate fibre network rollout, which is incompatible with the national objectives of the PFTHD.

Furthermore, Orange's rollout of fibre in five of Mayotte's most densely populated and profitable municipalities is likely to result in a significant loss of revenue for Mayotte THD, thereby jeopardising the economic balance of the PIN, which is based on revenue equalisation between the different areas of Mayotte. According to estimates by Mayotte THD, these five municipalities accounted for nearly 70% of the expected revenue from the PIN. The revenue generated from these municipalities was intended to cover the costs associated with the relatively less densely populated areas.

Orange's rollout also undermines Mayotte THD's project from a commercial perspective. To date, no commercial operator has signed up to Mayotte THD's standard offer, while the two main operators, Orange OC (a separate entity from the one that decided on the rollout) and SRR (a subsidiary of SFR), have already opted to become Orange's customers in the wholesale market.

Harm to the sector

Orange's rollout of fibre broadband runs counter to the public authorities' objective of achieving complete coverage across Mayotte.

Harm to consumer interests

By undermining the economic balance of the PSD, Orange's project could hinder the rollout of an FttH network across the 17 municipalities of Mayotte.

Consumers living in the 12 municipalities where Orange does not plan to roll out an FttH network are therefore likely to be deprived for an extended period of access to ultra-high-speed fibre broadband. These 12 municipalities account for around 42% of Mayotte's population and businesses. For consumers, access to fibre broadband is essential for using many online health, education and public administration services, which are particularly important in an island territory located far from mainland France. For businesses, access to fibre broadband is a key driver of economic development.

Interim measures justified by the urgency of the situation

The *Autorité* found the rapid progress of Orange's rollout risks permanently jeopardising Mayotte THD's access to the two main sources of revenue under the PSD:

- first, payment of the French government subsidy has been frozen, with the *département-region* unable to cover the additional costs;
- second, the proportion of private funding has been undermined by Orange's conclusion of contracts with the main commercial operators, leading to a loss of around 60% of the PSD's wholesale revenue.

Taking all of the above into account, the Autorité has decided, pending its decision on the merits, to impose interim measures on Orange:

- suspend the rollout of its fibre network in Mayotte, as well as any commercial canvassing of operators in the wholesale market for access to the fibre local loop in areas where the network has not yet been rolled out. At Orange's

request, this injunction be lifted or revised in the event of abnormal delays to the PIN, the conclusion of a co-rollout agreement covering the whole of Mayotte, or an adjustment to the PSD to incorporate Orange's existing rollouts, together, where appropriate, with an adjustment to the public funding arrangements for the project;

- provide ARCEP and the *département-region* with an overview of Orange's fibre rollout in Mayotte to date, as well as a report on the condition of the copper network and infrastructure; and
- guarantee the concession holder access, as and when required, to the broadband and ultra-high-speed broadband civil engineering infrastructure under Orange's control in Mayotte, for the purposes of rolling out the PIN project.

DECISION 26-MC-03 OF 21 OCTOBER 2026

regarding a request for interim measures filed by Mayotte Très Haut Débit and Réunicable and the département-region of Mayotte

Read the full text of the decision (in French)

This press release has been updated.

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