

JT's response to GCRA's  
Broadband Retail Market Review  
(T1699G)

9 March 2026

Non-Confidential

## 1. Comments on Proposed Decision

- 1.1 JT (Guernsey) Limited (“JT”) welcomes the opportunity to respond to the GCRA’s Broadband Retail Market Review proposed decision (the “**Proposed Decision**”). This response can be published in full.
- 1.2 The GCRA uses the EU Modified Greenfield Approach, firstly defining the relevant retail market and assessing if the underlying retail market would be competitive without wholesale regulation. Under the Modified Greenfield Approach, SMP will be found in the retail market if a firm would be able to act independently of customers or competitors absent intervention in an upstream wholesale market. The aim of this approach is to determine if intervention is required in upstream markets and the approach assumes that such interventions will be effective in remedying any competition problems in the downstream retail market. This is why the European Commission’s List of Relevant Markets has, since 2014, only identified wholesale markets as being susceptible to *ex ante* regulation despite requiring regulators to begin the analysis to determine whether wholesale regulation is in fact required by examining competitive conditions in the corresponding retail market<sup>1</sup>.
- 1.3 The wholesale broadband market was defined in 2019 (CICRA 19/01)<sup>2</sup> and it was determined that Sure holds SMP in the wholesale market. This Proposed Decision finds that Sure holds SMP in the retail market. Regardless of the market share held by Sure, the GCRA should conclude that the wholesale remedies in place, remove the barriers to entry allowing retail providers to compete effectively using the wholesale input products provided by Sure. The three-criteria test will not be met and therefore the retail market is not susceptible to *ex ante* regulation.
- 1.4 The GCRA should therefore confirm that the SMP finding in the wholesale market, under the Modified Greenfield Approach, and the corresponding wholesale remedies in place are sufficient

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<sup>1</sup> This is explained clearly in the Staff Working Document for the 2014 List of Relevant Markets (page.19): ‘The identification of a retail market (as part of the value chain) for the purposes of *ex ante* market analysis does not imply, where there is a finding of a lack of effective competition by a NRA, that regulatory remedies would be applied to a retail market. Regulatory controls on retail services can only be imposed where relevant wholesale measures would fail to achieve the objective of ensuring effective competition at retail level. Given the advances in competition that have been achieved thanks to regulation, this Recommendation identifies only relevant markets at the wholesale level. It is believed that their regulation can address a lack of effective competition at the wholesale level, which in turn is the cause of identified market failures in the related retail markets. By intervening only at the wholesale level, NRAs can ensure that as much of the value chain is subject to competition process as possible, thereby delivering best outcomes for end-users.’

At [Explanatory Note to the Recommendation on relevant markets.pdf](#)

<sup>2</sup> [t1358gj-broadband-market-final-decision.pdf](#)

to ensure competition in the retail market. Alternatively, the GCRA needs to properly explain why it considers the wholesale remedies are insufficient and why other retail remedies are required.

- 1.5 The GCRA appear to confirm this stance at 7.8 where they state that they *“do not consider that a retail price control is justified or proportionate.”* The GCRA want to rely on evidence *“that retail consumers are not receiving a fair share of the benefits”* however no evidence is provided in the Proposed Decision. The GCRA state *“the Authority is also considering other, symmetrical regulatory measures, which are not dependent on a finding of dominance given aspects highlighted in the customer research report and focus groups. These measures will form part of a separate consultation process.”* No detail is provided on what these measures might be.