



# Determination in a dispute between Siro and Eircom

## Information Notice

**Reference:** ComReg 20/28B

**Version:** Final

**Date:** 30 April 2020

1. The Commission for Communications Regulation (**'ComReg'**), pursuant to Regulation 31 of the Framework Regulations<sup>1</sup>, has reached a determination in a dispute between Siro Limited (**'Siro'**) and Eircom Limited (**'Eircom'**). The dispute, case number 1452, is concerned with whether Eircom must make available to Siro Eircom's "NGA<sup>2</sup> rollout plans". ComReg defined the scope of the dispute as follows:

*"Whether Eircom may require Siro to comply with conditions, and if so which, in respect of access to information regarding Eircom's "NGA rollout plans (as provided for under Section 10.25 of the WLA Decision Instrument at Appendix 20 of ComReg Decision D10/18<sup>3</sup>)."*

2. ComReg's consideration of the dispute and the Determination is set out in ComReg Document Number 20/28. In summary ComReg makes the following determination:
  - (a) For the purpose of Section 10.25 of the WLA DI<sup>4</sup>, Eircom is required to make available NGA rollout plans to all Undertakings availing, directly or indirectly, of relevant access products.
  - (b) For the purpose of Section 10.25 of the WLA DI, Eircom may apply reasonable conditions in order to:
    - (i) limit the availability of NGA rollout plans to Undertakings availing, directly or indirectly, of relevant access products; and
    - (ii) limit the use of NGA rollout plans by such Undertakings at (b)(i) to the purpose of availing, directly or indirectly, of the relevant access products.
  - (c) For the purpose of (b)(i) above, Eircom may require that Undertakings:
    - (i) have entered into an access agreement with Eircom in respect of VUA<sup>5</sup>, having executed the particular schedules of the Access Reference Offer concerning VUA; or
    - (ii) are availing of relevant access products indirectly through those Undertakings described at (c)(i).
  - (d) For the purpose of (b)(ii) above, Eircom may require that Undertakings:

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<sup>1</sup> European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2011 (S.I. No. 333 of 2011).

<sup>2</sup> Next Generation Access ('NGA').

<sup>3</sup> Market Review Wholesale Local Access (WLA) provided at a Fixed Location, Wholesale Central Access (WCA) provided at a Fixed Location for Mass Market Products- Response to Consultation and Decision; ComReg 18/94 Decision D10/18 19 November 2018.

<sup>4</sup> The decision instrument contained in Appendix 20 of ComReg Decision D10/18.

<sup>5</sup> Virtual Unbundled Access ('VUA').

- (i) have entered into a non-disclosure agreement to ensure that the use of NGA rollout plans is limited to the purpose described at (b)(ii) or;
  - (ii) have met any other reasonably imposed conditions to ensure that the use of NGA rollout plans is limited to the purpose described at (b)(ii).
- (e) Eircom is not required to make NGA rollout plans available to Siro under Section 10.25 of the WLA DI, until such time that Siro meets the conditions at (c) and (d) above, which Eircom may reasonably impose for the purpose of (b) above.