



**EUROPEAN COMMISSION**  
Information Society and Media Directorate-General  
Electronic Communications Policy

**Electronic Communications Consultation Mechanism**

Brussels, 20 April 2011  
INFSO B5  
eCCTF/RK/RL/is

Mr. Eric Tomkins  
Phone: +353 1 8049719

Commission for Communications  
(COMREG)  
Block DEF – Abbey Court – Irish Life  
Centre, Lower Abbey St.  
Dublin 1  
Ireland

**Subject: Case IE/2011/1207: Market 5 - Wholesale broadband access**

**Request for information pursuant to Article 5(2) of Directive 2002/21/EC<sup>1</sup>**

Dear Mr Tomkins,

On 14 April 2011 your notification of the above-mentioned draft measure was registered. This letter is a request for information, pursuant to Article 5(2) of the Framework Directive and Point 13 of Commission Recommendation 2008/850/EC<sup>2</sup>.

## **1. INFORMATION REQUIRED**

Please note that the submission of a full and comprehensive response to this request for information is necessary to allow the Commission to make its assessment of the notified draft measures in full knowledge of the facts and the economic context. The Commission therefore requests COMREG to provide as complete response as possible to the questions posed herein.

Please submit to the Commission the information requested in the annex, which forms an integral part of this letter. We would appreciate it if you could provide these submissions as soon as possible<sup>3</sup>, but no later than **Wednesday, 27 April 2011**.

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<sup>1</sup> Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services ("Framework Directive"), OJ L 108, 24.4.2002, p. 33.

<sup>2</sup> Commission Recommendation 2008/850/EC of 15 October 2008 on notifications, time limits and consultations provided for in Article 7 of Directive 2002/21/EC ("Procedural Recommendation"), OJ L 301, 12.11.2008, p. 23.

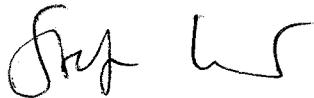
Please send your reply by email to [INFSO-COMP-ARTICLE7@ec.europa.eu](mailto:INFSO-COMP-ARTICLE7@ec.europa.eu) or by fax<sup>4</sup> to +32-2-296 98 19

**2. CONFIDENTIAL INFORMATION**

Provided that you substantiate in writing that your submissions are confidential in accordance with Community and national law on business confidentiality, the Commission will ensure such confidentiality<sup>5</sup>.

Should you have any queries relating to the information requested, please do not hesitate to contact us.

Yours sincerely,



 Reinald KRUEGER  
Head of Unit B-5  
Information Society and Media DG

Enclosures: (1) Annex with information request

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<sup>3</sup> In accordance with Point 11 of the Procedural Recommendation, the reply to a request for information should be submitted within three working days.

<sup>4</sup> This fax number is dedicated to Article 7 notifications only.

<sup>5</sup> See Article 5(3) of the Framework Directive.

## ANNEX

### REQUESTED INFORMATION

#### Case IE/2011/1207: Market 5; Wholesale broadband access

##### Market definition

1. Could you please provide further data on the *current* fibre optic network roll-out in Ireland by Eircom, BT and other operators? In particular, could you please indicate which operators have so far invested in fibre roll-out and which topology has been chosen? Could you please also specify the number of end-users/households connected to fibre networks? Could you please further indicate which type of FttH technology (e.g. point to point or point to multipoint) has been deployed?
2. Could you please provide information on the *planned* fibre roll-out by Eircom, BT and other operators?
3. In your notification you state that upon completion of its LLU strategy BT will have 60 unbundled exchanges with almost 70,000 wholesale lines. What will be the total number of wholesale lines in Ireland in that period?

##### Remedies

4. In your notification you state that the content and implementation of any price control for next generation wholesale broadband access (NGWBA) shall be subject to further consultation. Could you please provide us with more specific information on the timing related to definition and implementation of price control obligations for NGWBA? Will there be any sort of 'temporary price control' regime in place in the meantime period, i.e. in the period before this planned price control obligations for NGWBA are adopted?
5. Could you please provide us also with more specific information on the timing related to implementation of price control obligations for the current generation wholesale broadband access?
6. Could you please provide us with information on how the migration issues addressed in Recommend 39 of the Commission NGA Recommendation are intended to be implemented by COMREG?<sup>6</sup>

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<sup>6</sup> According to that Recommend the existing SMP obligations in relation to Markets 4 and 5 should continue and should not be undone by changes to the existing network architecture and technology, unless agreement is reached on an appropriate migration path between the SMP operator and operators currently enjoying access to the SMP operator's network. In the absence of such agreement, NRAs should ensure that alternative operators are informed no less than 5 years, where appropriate taking into account national circumstances, before any de-commissioning of points of interconnection such as the local loop exchange. This period may be less than 5 years if fully equivalent access is provided at the point of interconnection.