



Commission for
Communications Regulation

Information Notice

ComReg accepts request from BT for the resolution of a dispute with Eircom

Information Notice

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1. On 25 January 2022, BT Communications Ireland Limited ('BT') submitted a dispute ('the Dispute') to the Commission for Communications Regulation ('ComReg') The Dispute relates to Eircom Limited ('Eircom') providing BT with access to Civil Engineering Infrastructure ('CEI')¹. The dispute was allocated case number COM-22-718.
2. Following consideration of the request, ComReg has accepted the Dispute pursuant to Regulation 31 of the Framework Regulations². ComReg Document 10/18R³ sets out the procedure for disputes under Regulation 31 of the Framework Regulations.
3. The scope of the Dispute is as follows:

Whether Eircom is permitted to require BT to agree to the following conditions:

1. *"No ingress or egress point will be included for the purpose of serving the mast access site";*
2. *"An Undertaking (e.g. MNO) will not be connected";*
3. *"Network-network interconnect connections will not be provided",*

prior to Eircom supplying Access to CEI to BT at the Kilbarry Mast Site, Old Whitechurch Rd, Cork.

4. This is a dispute arising between undertakings⁴ providing electronic communications networks or services in the State, in connection with existing obligations under the Access Regulations⁵. As set out at Regulation 31(2) of the Framework Regulations, in the event of a dispute ComReg shall, at the request of either party, initiate an investigation of the dispute and as soon as possible but, except in circumstances which the ComReg considers exceptional, within 4 months from the date on which the dispute was notified to it by either party, make a determination aimed at ensuring compliance with obligations to resolve the dispute.
5. Further information notices may be published by ComReg during the investigation of the dispute.

¹ CEI is defined at Section 2.1 of the Decision Instrument at Appendix 20 of ComReg decision D10/18 ("the WLA DI").

² European Communities (Electronic Communications Networks and Services) (Framework) Regulations, 2011 ("the Framework Regulations").

³ Document No 10/18R "Dispute Resolution Procedures - Framework Regulations - (Response to Consultation Document No. 09/85).

⁴ "Undertaking(s)" shall have the same meaning as under Regulation 2 of the Framework Regulations.

⁵ European Communities (Electronic Communications Networks and Services) (Access) Regulations, 2011 ("the Access Regulations").