



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Update on Pricing of Eircom's Civil Engineering Infrastructure

Withdrawal of draft measures

Information Notice

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1. On 25 November 2021, ComReg issued an Information Notice in ComReg Document 21/119¹ where it provided an update on ComReg's notification to relevant European authorities of its Draft Decision on the pricing of access to Eircom Limited's ('**Eircom**') civil engineering infrastructure ('**CEI**')², and the subsequent Serious Doubts Comments Letter³ that issued from the European Commission ('**EC**').
2. In short, the subject of the notification was the prices that Eircom should be entitled to charge other operators to access its CEI. One aspect of the notification was the prices that National Broadband Ireland ('**NBI**'), in its role as the operator contracted to deliver the National Broadband Plan ('**NBP**'), should pay. ComReg proposed that because of the specific and unique nature of the NBP and NBI's role in it, differential, and consequentially lower, prices would apply to NBI's access to Eircom's ducts and poles relative to other commercial operators. The EC, in its Serious Doubts Comments Letter, expressed its disagreement with this proposal.
3. In Information Notice 21/119, ComReg stated that it would engage with the Body of European Regulators for Electronic Communications ('**BEREC**') and the EC, as appropriate, consistent with the process provided for in Article 33 of the European Electronic Communications Code ('**EECC**')⁴, while also recognising that the notified draft measures on CEI pricing could not be adopted for a further three months.⁵
4. Article 33(8) of the EECC provides that ComReg may withdraw the proposed draft measure at any stage of the procedure set out under Article 33.
5. ComReg has decided, in line with Article 33(8) of the EECC, to withdraw its notified draft measures on the pricing of Eircom's CEI.
6. ComReg plans to revisit the CEI price control in the context of the upcoming Physical Infrastructure Access ('**PIA**') market review.
7. In the meantime, the CEI price control mandated in ComReg Decision D10/18⁶ continues to apply, which requires Eircom to charge no more than the CEI costs as calculated using the Revised Copper Access Model ('**Revised CAM**').

¹ Information Notice 21/119 "Update on Pricing of Eircom's Civil engineering Infrastructure – Procedure under Article 33 of the EECC" <https://www.comreg.ie/publication/update-on-pricing-of-eircoms-civil-engineering-infrastructure-procedure-under-article-33-of-eecc>

² Eircom's ducts and poles.

³ [Circabc \(europa.eu\)](https://www.circabc.europa.eu)

⁴ Directive 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (the '**EECC**').

⁵ Article 33(1) of the EECC.

⁶ <https://www.comreg.ie/publication/3a-3b-market-analysis-decision>

ComReg will continue to monitor CEI prices and consider if appropriate, whether any intervention is required.