



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Notification of finding of non-compliance issued to Eircom Limited.

Information Notice

Reference: 22/11

Version: Final

Date: 18 February 2022

1. Eircom Limited's ('**Eircom**') Civil Engineering Infrastructure ('**CEI**'), is used by Undertakings to deploy their own cables (copper wires or optical fibres). CEI includes Eircom's ducts, Chambers and poles. Increased use of Eircom's CEI by Undertakings promotes effective competition and improves end-user choices.
2. Pursuant to Regulation 19(1) of the European Communities (Electronic Communications Network and Services) (Access) Regulations 2011¹, the Commission for Communications Regulation ('**ComReg**') has recently investigated Eircom in relation to its compliance with various obligations imposed under the WLA Decision Instrument².
3. This matter relates to the charges levied by Eircom for Duct Access. The investigation sought to determine Eircom's compliance with the obligations imposed under the WLA Decision Instrument. This included, but was not limited to:
 - a. Price Control obligations at Sections 12.2 and 12.6 of the WLA Decision Instrument.
 - b. Transparency obligation at Section 10.5 of the WLA Decision Instrument
4. On 18 February 2022, pursuant to Regulation 19(1) of the European Communities (Electronic Communications Networks and Services) (Access) Regulations, 2011, ComReg notified Eircom of findings that it had not complied with its obligations, at sub-paragraphs 3(a) and 3(b) detailed above, imposed in the WLA Market.
5. Eircom has until 5pm on 28 March 2022, to make representations to ComReg in response to this finding.

¹ European Communities (Electronic Communications Networks and Services) (Access) Regulations 2011 (S.I. No. 334 of 2011).

² Appendix 20 Wholesale Local Access: Decision Instrument Response to Consultation and Decision. Wholesale Local Access (WLA) provided at a Fixed Location. (Decision No: D10/18, Document No: 18/94, Date: 19 November 2018). (the '**WLA Decision Instrument**')