



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Information Notice

Update on Sub-Duct Self Install Direction and Appeal

Information Notice

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Commission for Communications Regulation

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Additional Information

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1. On 8 June 2021, ComReg issued a Direction to Eircom (ComReg 21/60) specifying the requirements that Eircom must comply with in terms of providing Duct Access in accordance with the obligation imposed on Eircom by ComReg Decision D10/18¹ (the “Original Direction”). On 8 October 2021, the Original Direction was subsequently re-issued and re-published as ComReg 21/60R (the “Corrected Direction”) (together the “SDSI Direction”). The SDSI Direction requires Eircom to make available a Sub-Duct Self-Install Duct Access product whereby Access Seekers install by themselves Sub-Ducts into Eircom’s Ducts and for that purpose unblock the Ducts as needed, save that in those circumstances where unblocking requires repair to the Duct, the unblocking is to be undertaken by Eircom.
2. On 5 November 2021 Eircom appealed the SDSI Direction to the High Court further to Regulation 4 of the European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2011.² BT Communications Ireland Limited is a notice party to the appeal.
3. Pending the determination of the appeal, Eircom has agreed to offer to Access Seekers the version of the Sub-Duct Self-Install Duct Access product that it notified to ComReg on 30 July 2021, whereby Access Seekers carry out at their own cost unblocking of Ducts where unblocking does not require repair (as per the definition of repair in the Direction).
4. On 17 January 2022, the proceedings were admitted into the Commercial List of the High Court and further directions will be made by the Court in due course for the hearing of the appeal which ComReg will seek to have determined as promptly as possible.

¹ ComReg 18/94, 19 November 2018.

² See ComReg Information Notice 21/142 of 22 December 2021.