



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Information Notice

Variation of timelines for notification and publication of documentation required under ComReg Document 21/60 'Direction to Eircom Limited with respect to Access to CEI under ComReg Decision D10/18'

Information Notice

Reference: ComReg 21/72

Version: Final

Date: 01/07/2021

1. The Commission for Communications Regulation (“**ComReg**”) is the statutory body responsible for the regulation of the electronic communications sector (telecommunications, radio-communications and broadcasting transmission). ComReg has a range of functions and objectives in relation to the provision of electronic communications networks, electronic communications services and associated facilities in accordance with European Union and national legislation.
2. In 2018 ComReg designated Eircom with Significant Market Power (“**SMP**”) in the market for Wholesale Local Access in ComReg Decision D10/18.¹ Among other remedies designed to address Eircom’s SMP, ComReg Decision D10/18 requires Eircom to allow other telecommunications operators to access its civil engineering infrastructure (“**CEI**”) – that is to say its ducts, poles and similar infrastructure.
3. As described in ComReg’s Information Notice of 15 June 2021², on 3 June 2021 and further to its powers under the Access Regulations, ComReg made a decision to issue a direction³ (the “**Direction**”) to further specify the requirements relating to Access and conditions of Access to Eircom CEI in ComReg Decision D10/18, in particular as set out in Section 7.1 and Section 7.2 (xiii), Section 8.1 and Section 8.2 of the Decision Instrument in Appendix 20 of the ComReg Decision D10/18 (the “**WLA Decision Instrument**”). This included a direction to Eircom to make available Sub-Duct Self-Install Duct Access from 13 August 2021, following notification to ComReg, including notification of amendments to Eircom’s Access Reference Offer (‘**ARO**’) for the purpose of giving effect to the requirements thus further specified, on 1 July 2021 and publication on 15 July 2021.
4. As part of the above direction, Eircom was also directed to re-notify proposed prices for Sub-Duct Self-Install Duct Access and provide full justification for the prices to be levied, including without limitation by way of annual licence fees, process charges and any other additional or excess charges, by reference to the principles underpinning the applicable price control.

¹ Market Review: Wholesale Local Access (WLA) provided at a Fixed Location, Wholesale Central Access (WCA) provided at a Fixed Location for Mass Market Products, Response to Consultation and Decision, ComReg Decision D10/18.

² ComReg Information Notice ‘Direction to Eircom Limited with respect to Access to CEI under ComReg Decision D10/18, including Sub-Duct Self-Install Duct Access’, ComReg Document 21/64, published on 15 June 2021.

³ Direction to Eircom Limited with respect to Access to CEI under ComReg Decision D10/18, ComReg Document 21/20, 8 June 2021.

5. Following representations made by Eircom for a variation of the timelines for the notification and publication of changes to its ARO, ComReg has decided to agree to Eircom's request so that Eircom is now required to meet the following timelines:
 - a) Eircom shall notify ComReg of the changes to its ARO made for the purpose of the Direction no later than 30 July 2021.
 - b) Eircom shall publish the ARO with such changes no later than 30 July 2021.
6. The date by which Eircom shall make available a Sub-Duct Self-Install Duct Access product allowing Access Seekers to install by themselves Sub-Ducts into Eircom's Ducts is unaffected and remains 13 August 2021.