



Commission for
Communications Regulation

Draft Determination in a dispute between Siro and Eircom

Information Notice

Reference: 20/13b

Version: Final

Date: 6 March 2020

1. The Commission for Communications Regulation (**'ComReg'**), pursuant to Regulation 31 of the Framework Regulations¹, has reached a draft determination in a dispute between Siro Limited (**'Siro'**) and Eircom Limited (**'Eircom'**). The dispute, relates to Eircom providing Siro with access to "NGA² rollout plans" The scope of the dispute is as follows:

"Whether Eircom may require Siro to comply with conditions, and if so which, in respect of access to information regarding Eircom's "NGA rollout plans (as provided for under Section 10.25 of the WLA Decision Instrument at Appendix 20 of ComReg Decision D10/18³)."

2. ComReg's consideration of the dispute and the Draft Determination is set out in ComReg Document Number 20/13. It is ComReg's preliminary view that:
 - (a) Eircom may apply reasonable conditions in respect of access to information regarding Eircom's NGA rollout plan's in order to ensure that access is limited to Undertakings purchasing access to relevant access products.
 - (b) A condition whereby Eircom limits access to information regarding its NGA rollout plans only to those Undertakings that have entered into an access agreement with Eircom in respect of Virtual Unbundled Access (**'VUA'**), having executed the particular schedules of the Access Reference Offer concerning VUA and the associated non-disclosure agreement is reasonable.
 - (c) Eircom is not required to provide Siro with access to information regarding its NGA rollout plans until such time that Siro has met the requirements contained in paragraph (b) above or any other reasonably imposed conditions for the purpose of (a) above that are also consistent with ComReg Decision D10/18.
3. The parties to the dispute⁴ have until 20 March 2020 to provide comments on the Draft Determination.
4. Having analysed and considered the comments received, ComReg will review the proposals set out in the Draft Determination. ComReg will then seek to adopt and publish the Final Determination.

¹ European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2011 (S.I. No. 333 of 2011).

² Next Generation Access ('NGA').

³ 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 18/94 Decision D10/18 19 November 2018.

⁴ Siro and Eircom.