



Commission for
Communications Regulation

Information Notice

Eircom request for a derogation on obligations relating to an 85 working day timeline for CRD ID 749

Information Notice

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Additional Information

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1. On 10 August 2020, Eircom Limited (**'Eircom'**) submitted a request for a derogation on certain obligations set out in the Decision Instrument contained in Appendix 20 (the **'WLA Decision Instrument'**) and Appendix 21 (the **'WCA Decision Instrument'**) of ComReg Decision D10/18 with respect to an 85 working day timeline relating to Eircom's product development process.
2. Eircom requested a derogation on these obligations so that it can meet the requirements relevant to these obligations by 02 October 2020.
3. In accordance with Sections 8.10(iv), 10.31(iv) and 10.31(v) of the WLA Decision Instrument, ComReg has decided to grant Eircom a derogation in this particular case from Eircom's obligations to provide the following:

Section 8.10(iv) of the WLA Decision Instrument:

(iv) eighty five (85) working days:

a. confirm in writing to the Undertaking that has made the written request whether it agrees to provide the requested product, service or facility or amendment thereto;

b. where the product, service or facility or amendment thereto proposed by Eircom differs from the original request, provide the Undertaking that has made the written request with a written description of such differences, in sufficient detail to allow the Undertaking to be reasonably aware of differences in the key features, functionality and geographic scope of the product, service, facility or amendment thereto, any limitations of the product, service or facility or amendment, together with the objective reasons for such differences.

Section 10.31(iv) of the WLA Decision Instrument:

(iv) Unless otherwise agreed with ComReg, not later than eighty five (85) working days after receipt of the written request, Eircom shall confirm in writing to all Undertakings whether it agrees to provide the requested new or amended product, service or facility. Where the request is refused in full or in part, Eircom shall comply with Section 8.9 above in its response to the Undertaking that has made the request. In addition, Eircom shall

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advise all other Undertakings of a full or partial refusal and provide written reasons for its refusal, at the time of refusal. Where the product, service or facility proposed by Eircom differs from the original request, Eircom shall provide the objective reasons for such differences in writing to all Undertakings within the eighty five (85) working day timeframe;

and;

Section 10.31(v) of the WLA Decision Instrument:

Eircom shall, not later than eighty five (85) working days after receipt of the written request, identify the degree of priority that it proposes to assign to the development related to the Access request relative to all other developments, including Access requests and amendments proposed by Eircom, of regulated products, services or facilities in the Relevant Market, and advise all Undertakings of this degree of priority. In the event of the reprioritisation by Eircom of an Access request or requests, Eircom shall advise all Undertakings of such reprioritisation;

4. In accordance with Sections 8.10(iv), 10.28(iv) and 10.28(v) of the WCA Decision Instrument, ComReg has decided to grant Eircom a derogation in this particular case from Eircom's obligations to provide the following:

Section 8.10(iv) of the WCA Decision Instrument:

(iv) eighty five (85) working days:

a. confirm in writing to the Undertaking that has made the written request whether it agrees to provide the requested product, service or facility or amendment thereto;

b. where the product, service or facility or amendment thereto proposed by Eircom differs from the original request, provide the Undertaking that has made the written request with a written description of such differences, in sufficient detail to allow the Undertaking to be reasonably aware of differences in the key features, functionality and geographic scope of the product, service, facility or amendment thereto, any limitations of the product, service or facility or amendment, together with the objective reasons for such differences.

Section 10.28(iv) of the WCA Decision Instrument:

(iv) Unless otherwise agreed with ComReg, not later than eighty five (85) working days after receipt of the written request, Eircom shall confirm in writing to all Undertakings whether it agrees to provide the requested new or amended product, service or facility. Where the request is refused in full or in part, Eircom shall comply with Section 8.9 above in its response to the Undertaking that has made the request. In addition, Eircom shall advise all other Undertakings of a full or partial refusal and provide written reasons for its refusal, at the time of refusal. Where the product, service or facility proposed by Eircom differs from the original request, Eircom shall provide the objective reasons for such differences in writing to all Undertakings within the eighty five (85) working day timeframe;

and;

Section 10.28(v) of the WCA Decision Instrument:

(v) Eircom shall, not later than eighty five (85) working days after receipt of the written request, identify the degree of priority that it proposes to assign to the development related to the Access request relative to all other developments, including Access requests and amendments proposed by Eircom, of regulated products, services or facilities in the Regional WCA Market, and advise all Undertakings of this degree of priority. In the event of the reprioritisation by Eircom of an Access request or requests, Eircom shall advise all Undertakings of such reprioritisation ;

5. The publication of this Information Notice should not be taken to imply that ComReg has formed any view as to Eircom's compliance with its regulatory obligations. ComReg reserves its right to intervene at a later stage if it considers it necessary to do so.