



An Coimisiún um  
**Rialáil Cumarsáide**  
Commission for  
**Communications Regulation**

# Universal Service

## Access at a fixed location

### Information Notice

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**Commission for Communications Regulation**

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## Additional Information

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# 1: Executive Summary

1. Universal service is a safety net to ensure that a set of at least the minimum services is available to all end users and at an affordable price to consumers, where a risk of social exclusion arising from the lack of such access prevents citizens from full social and economic participation in society<sup>1</sup>.
2. In accordance with Decision D05/16<sup>2</sup> ComReg designated eir as the universal service provider (“USP”) for access at a fixed location (“AFL”) with universal service obligation (“USO”) in the State, for the period 29 July 2016 – 30 June 2021. This Decision also maintained the GAP obligation<sup>3</sup>, and control of expenditure measures.
3. ComReg noted in D05/16 that the electronic communications market (“ECS”) was likely to change significantly as a result of the national broadband plan (“NBP”)<sup>4</sup>. ComReg also noted that the NBP rollout might not be fully implemented before the end of the AFL USO 5 year designation period, being 30 June 2021, and that the full effect will not be realised for a minimum 5 years<sup>5</sup>.
4. Furthermore, ComReg noted in D05/16 that the universal service framework was under review by the European Commission and that it was unclear how and when this review would affect Ireland. The European Commission completed its review and adopted Directive (EU) 2018/1972 establishing the European Electronic Communications Code (“EECC”). The Code came into effect on 17th December 2018.
5. ComReg undertook, in D05/16, to:
  - carefully monitor and review these developments in order to evaluate what impact they may have on the provision of basic electronic communications services in the State.<sup>6</sup>
  - begin a review 3 months after the Department had concluded the NBP contract award process. On foot of this review, ComReg would decide whether it needed to commence a new consultation process in relation to AFL USO in the State and to publish an information notice.

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<sup>1</sup> The European Electronic Communications Code – EECC Directive (EU) 2018/1972, Recital 212

<sup>2</sup> Universal Service Requirements Provision of access at a fixed location (AFL USO), D05/16, document No. 16/65, 29 July 2016.

<sup>3</sup> Geographically Averaged Pricing (GAP) is a requirement on the USP to offer the same price for AFL USO fixed-voice across the entire State, and aims to ensure that prices are affordable, regardless of the geographic location of the consumer

<sup>4</sup> <https://www.dccae.gov.ie/en-ie/communications/topics/Broadband/national-broadband-plan/pages/national-broadband-plan.aspx>

<sup>5</sup> D05/16, at paragraph 26.

<sup>6</sup> D05/16, at paragraph 26

- re-examine the issue of fast broadband functional internet access (“FIA”) requirements and whether to designate one or more USPs to deliver them, in light of any output from the Department of Communications Climate Action and Environment ( “DCCA”) monitoring process.
6. Since the designation of eir as USP for AFL USO in 2016
    - DCCA concluded the contract award process with National Broadband Ireland (NBI) on 19th November 2019<sup>7</sup> and
    - The European Electronic Communications Code came into force on 17 December 2018<sup>8</sup> and it is required to be transposed into national legislation.
  7. ComReg wishes to evaluate the impact of these developments and is informing stakeholders that it plans to now commence a review of voice access at a fixed location, and what if any obligation will be applicable in this regard post 21 June 2021<sup>9</sup>.
  8. ComReg anticipates that it will conduct a public consultation in Q1 2021, on AFL USO fixed voice, including:
    - availability (including reasonable access requests);
    - affordability (where appropriate), of fixed voice services;
    - and whether any form of regulatory intervention is required to ensure that a set of at least the minimum services is available to all end users and at an affordable price, where there is a risk of social exclusion arising from the lack of such access prevents citizens from full social and economic participation in society.
  9. There is ongoing liaison between ComReg and Department of Environment Climate Communications (DECC) on Adequate Broadband internet access under Directive (EU) 2018/1972 and ComReg will keep stakeholders informed as appropriate on this matter.

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<sup>7</sup> <https://www.gov.ie/en/press-release/e15062-high-speed-broadband-for-11m-people-in-homes-schools-businesses-acro/>

<sup>8</sup> <https://www.europeansources.info/record/directive-eu-2018-1972-establishing-the-european-electronic-communications-code/>

<sup>9</sup> ComReg will update its Action Plan accordingly.