



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Information Notice

Consultation Process regarding the Transition from Regulated Copper Products and Services

Information Notice

Reference: ComReg 21/43

Version: Final

Date: 04/05/2021

En Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation

1 Lárcheantar na nDugaí, Sráid na nGildeanna, BÁC 1, Éire, D01 E4X0.
One Dockland Central, Guild Street, Dublin 1, Ireland, D01 E4X0.
Teil | Tel +353 1 804 9600 Suíomh | Web www.comreg.ie

Additional Information

Document No:	21/43
Date:	04 May 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 (“ECN” and “ECS” respectively) and associated facilities in accordance with European Union and national legislation.
2. On 4 March 2021 Eircom shared with ComReg, and published on its website, a document entitled “Copper switch-off: Leaving a legacy for the Future”. On 9 April 2021 ComReg published Information Notice 21/35 welcoming Eircom’s initiative and confirming that ComReg would engage with Eircom and other stakeholders on this important matter and consult publicly in due course.
3. Eircom’s document sets out Eircom’s perspective on the process to transition legacy copper based services onto a fibre network.
4. The switch from copper wire to fibre optic based networks, which have much higher broadband capacity, is an important national and EU objective. The ubiquitous availability of very high capacity networks will provide for high bandwidth and a greater range and increased reliability of services for end users. The availability of higher bandwidth services will, in turn, play an increasingly important role in the delivery of services across work, schooling, home, health, travel, entertainment, government and business services. Accordingly, an important part of ComReg’s overall policy is to encourage commercial network investment by Eircom and other players in very high capacity networks and to support where appropriate, the roll out of the Government’s National Broadband Plan.
5. ComReg will have a central role in overseeing the transition of regulated services to these new networks given its impact on regulated wholesale services and competition. Eircom as an operator designated with Significant Market Power (“SMP”) in various wholesale markets has obligation not to withdraw access to regulated services on those markets without ComReg’s approval.
6. ComReg’s approach will also be guided by the provisions of Article 81 of the European Electronic Communications Code which is a key legislative element for the electronic communications sector in the EU and is currently in the course of being transposed into Irish law. Article 81, headed “Migration from legacy infrastructure”, requires national regulatory authorities such as ComReg to ensure that the decommissioning or replacement process includes a transparent timetable

and conditions, including an appropriate notice period for transition, and establishes the availability of alternative products of at least comparable quality providing access to the upgraded network infrastructure substituting the replaced elements if necessary to safeguard competition and the rights of end-users.

7. ComReg will closely oversee the process and ensure that the transition takes place in an orderly manner. In particular, it will be important that end users are not unduly inconvenienced and that services of a similar or higher quality to those offered now continue to be made available.
8. Similarly, it will be necessary to ensure that competition in the market is not restricted or distorted and that an appropriate suite of regulated wholesale products continues to be made available consistent with SMP obligations and the provisions of Article 81.
9. The transition will also need to happen in a predictable and transparent manner for all stakeholders and adequate notice periods will therefore need to be provided.
10. In order that ComReg may establish a framework for the transition that sets out the processes and conditions to be met by Eircom and taking into account key concerns and requirements, ComReg intends to engage with all relevant stakeholders.
11. ComReg proposes to initiate this engagement by facilitating bi-lateral stakeholder discussions with ComReg. The principal purpose of these bilateral meetings will be to inform ComReg's view of the relevant matters that need to be addressed. ComReg is keen to commence these meetings as soon as possible.
12. Drawing on its consideration of inputs from the meetings, shortly thereafter ComReg then intends to publish a short "Call for Inputs" whereby interested parties can express their views in writing. In order to facilitate an informed debate, ComReg will publish those views (subject to the protection of any confidential information) on its website as soon as possible after their receipt. ComReg envisages that the Call for Inputs would provide for a period of six weeks for responses.
13. Finally, with the benefit of the responses to the Call for Inputs, ComReg intends to hold a public consultation with more detailed proposals as to how the transition framework and process should be conducted, the timelines for which remain under consideration.
14. The precise scope of each phase above will depend at least in part on the outcome of preceding phases.

15. Interested parties who wish to meet with ComReg bi-laterally should make a request in writing by email to products@comreg.ie by 10 May 2021. It is ComReg's intention to hold these meetings in May 2021 and, if necessary, early June 2021.
16. Further documentation on this topic is available in the recent ComReg Document 21/35 "Information Notice - Copper Switch Off Correspondence"; ComReg Document 16/01 "Transition from Eir's Copper Network"; and ComReg Document 17/05 "Retirement of Legacy Networks and Services".