



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

# Guidance for Retail Service Providers on Customer Migration from Copper-Based Electronic Communication Services

## Management of Migration and Future Copper Switch-Off

### Information Notice

**Reference:** ComReg 24/76

**Version:** Final

**Date:** 23/09/2024

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## Legal Disclaimer

The Guidance intends to set out general principles to guide retail service providers (“RSPs”) as to ComReg’s expectations of the steps they should take in effectively managing and actively supporting customers’ migration from ECS which is copper-based to a Modern Connection before copper-based ECS are withdrawn and during future Copper Switch-off.

The Guidance does not replace any regulations or laws and does not amount to legal advice. It does not limit ComReg’s discretion in carrying out its statutory functions and powers. Whilst the Guidance endeavours to set out ComReg’s general principles within the areas referred to in this Guidance, ComReg’s powers and responsibilities are often subject to changes and are likely to evolve over time. ComReg may decide, as circumstances dictate, to depart from the Guidance where justified.

# Glossary of terms

- 1.1 Acronyms are set out in Table 1.
- 1.2 Unless, the context otherwise suggests, definitions in the European Union (Electronic Communications Code) Regulations 2022<sup>1</sup> (“ECC Regulations”) apply in this Guidance. ComReg sets out in Table 2 other terms it uses in this document.

**Table 1: Glossary of Acronyms**

Acronyms	Definition
<b>BEREC</b>	Body of European Regulators for Electronic Communications
<b>CPE</b>	Customer Premise Equipment
<b>ECS</b>	Electronic Communications Service as defined under S.I. 444/2022
<b>ECN</b>	Electronic Communications Network as defined under S.I. 444/2022
<b>FTTH</b>	Fibre-to-the-Home as defined under ComReg Decision D09/23
<b>IAS</b>	Internet Access Service
<b>RSP</b>	Retail Service Provider
<b>VHCNs</b>	Very High-Capacity Network(s) as defined under S.I. 444/2022
<b>VoIP</b>	Voice over Internet Protocol

**Table 2: Glossary of Terms**

Terms	Description
<b>Copper Connection</b>	A Connection delivered on a copper access network, with copper in part or in full between the main distribution frame/headend and the network termination unit in the subscriber’s premises.
<b>ComReg Decision D09/23</b>	ComReg Document No. 23/102 entitled “ <i>Framework for the Migration from Legacy Infrastructure to Modern Infrastructure</i> ”.
<b>Connection</b>	The physical access used to provide an ECS at the subscriber’s premises. This may be made by wire, optical fibre or wireless.
<b>Consumer-led Migration</b>	Migration initiated by Copper Customers by contacting their preferred RSP.
<b>Copper Customers</b>	Customers of active Copper-based ECS.
<b>Copper Switch-off</b>	The switch-off of a copper access network.
<b>Copper-based ECS</b>	ECS delivered over a Copper Connection.
<b>Critical Customer</b>	Copper Customer, or a member of their household, critically dependent on their Copper Connection for medical needs (for example, those customers with monitored medical alarms).

<sup>1</sup> S.I. No. 444 of 2022.

<b>IAS Guidance</b>	ComReg Document No. 21/107R entitled “ <i>Information Notice - Regulatory Guidance on Title III: End-User Rights of the European Electronic Communications Code Inter-operator processes – principles to facilitate end-user rights to switch internet access services.</i> ”
<b>Inter-operator Migration</b>	Where a customer migrates to a Modern Connection with a different RSP.
<b>Intra-operator Migration</b>	Where a customer migrates to a Modern Connection with the same RSP.
<b>Migration</b>	Customers’ migration from Copper-based ECS to ECS over Modern Connection.
<b>Modern Connection</b>	A Connection to a VHCN, such as, FTTH or other ECN (which is not the copper access network), and which is capable of delivering, under usual peak-time conditions, similar network performance to that of FTTH in terms of available downlink and uplink bandwidth, resilience, error-related parameters, and latency and its variation. <sup>2</sup>
<b>Non-voluntary Migration</b>	Migrations within the period after a Stop Sell applies or Switch-off Notice is issued by the owner of the Legacy Infrastructure.
<b>RSP</b>	A retail provider of Copper-based ECS to end-users and a receiving provider in the Migration to a Modern Connection.
<b>RSP-led Migration</b>	Copper Customers’ Migration initiated by RSP.
<b>Stop Sell</b>	A stage where Copper-based ECS are no longer available for new sale, including in the context of a change of service or change of RSP, at premises passed by Modern Infrastructure.
<b>Title III: End-User Rights Regulatory Guidance</b>	ComReg Document Number ComReg 20/111R2 entitled “ <i>Information Notice - Regulatory Guidance on Title III: End-User Rights of the European Electronic Communications Code</i> ”.
<b>Transition Framework</b>	Framework for the Migration from Legacy Infrastructure to Modern Infrastructure pursuant to ComReg Decision D09/23.
<b>Voluntary Migration</b>	Migrations within the period before a Stop Sell applies or Switch-off Notice is issued by the owner of the Legacy Infrastructure.

<sup>2</sup> See the BEREC guidelines on VHCNs [BEREC \(europa.eu\)](https://www.berec.europa.eu)

# 1 Executive Summary

- 1.1 The purpose of this document is to set out general principles (**'Principles'**) giving guidance to RSPs on what minimum steps they should take to effectively manage Copper Customers' Migration, affording customers informed choice and avoiding disruption to their service. ComReg's key objective in this respect is to encourage RSPs to support their customers with timely, clear and accurate information; and advice for ECS, enabling end-users to choose and use these services with confidence.
- 1.2 In summary, the Principles are:
- **Principle 1:** RSPs should ensure information provision and communication is used for effectively migrating their customers.
  - **Principle 2:** Migration is smooth and seamless for customers.
  - **Principle 3:** Customers can get extra support in the Migration.
- 1.3 The Principles aim to promote and encourage RSPs to implement a consistent level of protection for Copper Customers in Migration, without being prescriptive as to the specific means by which they should be achieved. The Principles:
- a) Set out the steps that RSPs should take to mitigate potential adverse impacts on customers and afford end-users their rights to deliver desired end-user outcomes.
  - b) Set out how RSPs should address specific needs of Copper Customers, including Critical Customers or other vulnerable customers, to avoid any potential adverse impacts in the Migration.
  - c) Have regard to RSP's obligations in respect of end-users' rights which should not be adversely affected in the Migration.

## Migration from Copper-based ECS

- 1.4 Advanced digital network infrastructure is essential for a successful digital economy and society. With the accelerated roll out of VHCNs, many end-users are choosing to migrate services to Modern Connections. The end-user benefits of Modern Connections include faster more reliable and secure services (see section 3.1). These benefits encourage end-users to migrate from Copper to Modern Connections when available.
- 1.5 In general, Migration is straightforward with RSPs already successfully migrating

end-users.<sup>3</sup> However, in some cases, end-users' experiences highlight their Migration journey has not progressed smoothly and easily, for example, as identified by consumers through the ComReg complaints handling helpline.<sup>4</sup> Therefore, some challenges may arise in the Migration particularly for end-users with specific requirements, and these challenges may give rise to adverse impacts as set out in section 3.2.

- 1.6 It is ComReg's view that customers' Migration should be effectively managed by RSPs and where possible proactively prevents these issues arising, allowing customers to reap the benefits of Migration and to avoid potential challenges and adverse impacts. It is a matter for RSPs, who have the direct relationship with their customers, as to how they plan to migrate their customers and how they address the needs of those customers potentially at risk in the Migration. In addition, RSPs are obligated to afford end-users their rights and must ensure end-user's rights are not adversely affected in Migration.

### Future Copper Switch off

- 1.7 Against this background, Eircom has signalled its intent to migrate copper-based services to largely fibre-based services and networks and in the future ultimately switch-off its copper access network. Currently, there is no specific timeframe for this. Ultimately, Eircom will make its own commercial decision on timing of its Copper Switch-off and its plans for withdrawal.
- 1.8 Before any future Copper Switch-off, where at the customer's premises Copper-based ECS are being withdrawn, affected Copper Customers will need to migrate to a Modern Connection in time, should they wish to remain connected to the public electronic communications network ('ECN'). In that context, in preparation for any withdrawal of Copper-based ECS and future Copper Switch-off, it is imperative that RSPs provide adequate, appropriate and timely communication; engage with their customers; and effectively manage their customers' Migration before any withdrawal of Copper-based ECS.

### Critical Customers

- 1.9 ComReg has identified Critical Customers as Copper Customers critically dependent on their Copper Connection for medical needs (for example, customers with monitored medical alarms). These customers are at a high risk in the Migration, if not effectively managed.

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<sup>3</sup> According to ComReg's Quarterly Key Data Report, by Q1 2023, majority of fixed line broadband connections were delivered to premises using the FTTH network, and majority of fixed line voice services were delivered to premises over VoIP.

<sup>4</sup> See [ComReg Consumer Care Statistics Report Q1 2024 \(Draft\)](#)

- 1.10 In that context, ComReg considers that RSPs must make particular efforts to ensure that their processes and procedures are effective to, at an early stage, identify Copper Customers who may be Critical Customers. RSPs must be able to proactively respond to Critical Customers specific needs to avoid or reduce a risk of an adverse impact on them in the Migration. In any case, where a monitored medical alarm will not function on the Modern Connection, in that instance, RSPs must ensure Critical Customers are not disconnected from the ECN until a working solution to the matter is in place.

### ComReg's Guidance

- 1.11 ComReg is mindful of its objectives and functions as set out in the Communications Regulation Act 2002 (as amended)<sup>5</sup> ("the Act"). ComReg also has general objectives to be pursued by it in the context of its regulatory tasks, as set out in Regulation 4 of the ECC Regulations (see Section 2.2). In that context, ComReg wants to ensure that Migration does not adversely affect competition, and end-user rights and experiences; and that the interests of Copper Customers in the context of Migration and future Copper Switch-off, are protected.
- 1.12 To achieve this, ComReg has advice and information on broadband and mobile services and technologies on its website. There are three independent online resources to help consumers to; (i) compare mobile, broadband, and bundled price plans from different providers,<sup>6</sup> (ii) view an outdoor mobile coverage map for the country<sup>7</sup> and (iii) access a fixed broadband availability checker.<sup>8</sup> A key role for ComReg is to generally inform consumers to ensure they can make the best decision to meet their ECS needs; and to initiate public information campaigns and engagement to inform and increase overall awareness of broadband and mobile technology, and new advanced services technology. ComReg has also published information on its website for consumers on things they should consider when migrating from Copper-based ECS.<sup>9</sup>
- 1.13 ComReg is also issuing this Guidance for RSPs, focusing on Copper Customers' Migration cognisant of future Copper Switch-off to encourage RSPs to support their customers with timely, clear and accurate information; and advice for ECS, enabling end-users to choose and use these services with confidence.

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<sup>5</sup> As set out in Sections 10 and 12 of the Communications Regulation Act 2002 (as amended) (the Act), <http://www.irishstatutebook.ie/eli/2002/act/20/enacted/en/html>.

<sup>6</sup> [www.comreg.ie/compare](http://www.comreg.ie/compare)

<sup>7</sup> [www.comreg.ie/coveragemap](http://www.comreg.ie/coveragemap)

<sup>8</sup> <https://www.comreg.ie/broadbandchecker/>

<sup>9</sup> [Broadband & Home Phone | Commission for Communications Regulation \(comreg.ie\)](http://www.comreg.ie/Broadband%20%26%20Home%20Phone)



- 1.14 Obligations in respect of end-user rights<sup>10</sup> and other consumer protections<sup>11</sup> may be engaged in the Migration. ComReg has published Regulatory Guidance for RSPs on meeting their obligations in respect of end-user rights.<sup>12</sup>
- 1.15 Table 3 provides a high-level summary of how ComReg expects RSPs to effectively manage customers' Migration including in the context of any withdrawal of Copper-based ECS and a Copper Switch-off, to ensure customer centric outcomes:

**Table 3: Summary of Principles and their desired outcome**

RSP Inputs	Principles	Desired Outcome
<p><b>Information and Communication</b></p>	<p><b>Principle1: RSPs should ensure information provision and communication is used for effectively migrating their customers</b></p> <ul style="list-style-type: none"> <li>• When looking for a service, in preparation for Migration, customers should have access to adequate, appropriate, and timely information which supports informed choice and prepares them to confidently sign up to a Modern Connection of their choice.</li> <li>• RSPs should ensure information provision and communication is timely and directed at raising their Copper Customers' awareness about a future Copper Switch off and preparedness for a Copper Switch-off deadline.</li> </ul>	<ul style="list-style-type: none"> <li>• Customers are adequately made aware of the Modern Connection options offered by their RSP at their premises.</li> <li>• Customers are directed to ComReg's website for advice, information and tools, to prepare for Migration.</li> <li>• Customers are adequately informed so as to do their own research of available alternatives to Copper-based ECS and select a service on a Connection that best suits their needs.</li> <li>• Customers are adequately made aware, in advance, about a future Copper Switch-off; and prepared for a Copper Switch off deadline, before any withdrawal of Copper-based ECS.</li> </ul>

<sup>10</sup> Pursuant to S.I. No. 444 of 2022, see [pdf \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2022/si/444/2022-01-01) and Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023 (the "2023 Act") [pdf \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2023/act/1/2023-01-01)

<sup>11</sup> Under the Consumer Protection Act 2007 (as amended) and the Consumer Rights Act 2022.

<sup>12</sup> See glossary of terms for Title III: End-User Rights Regulatory Guidance and IAS Guidance.

<p><b>Processes and Procedures</b></p>	<p><b>Principle 2: Migration is smooth and seamless for customers</b></p> <ul style="list-style-type: none"> <li>• RSPs leading the Migration implement processes and procedures to minimise service disruption and maximise certainty to customers.</li> <li>• RSPs ensure processes and procedures are effective to encourage Migration.</li> </ul>	<ul style="list-style-type: none"> <li>• Customers are appropriately encouraged to confidently migrate to services on Modern Connections.</li> <li>• Customers have clear and adequate information about the characteristics of their chosen ECS and any potential limitations at the point of sale.</li> <li>• RSPs actively lead their customers through the ordering process, setting accurate expectations regarding potential challenges and impacts, highlighting any steps customers may need to take prior to installation; and accurately confirm the customers' requirements.</li> <li>• Customers know what steps they can carry out in preparation for a site survey, if required, and what information the site technician may require from them at the site survey.</li> <li>• In preparation for installation, customers have clear understanding of the installation process and works associated with their particular circumstances, including timeframes and service downtimes.</li> <li>• RSPs lead their customers through the installation process, adequately updating the customer on the progression of the installation and the Migration.</li> <li>• Customers have continuity of service and are not hindered by the risk of loss of service in the Migration;</li> </ul>
<p><b>Extra Support</b></p>	<p><b>Principle 3: Customers can get extra support in the Migration.</b></p> <ul style="list-style-type: none"> <li>• RSPs should utilise processes and procedures to ensure extra support for Critical Customers.</li> </ul>	<ul style="list-style-type: none"> <li>• Critical Customers are made aware about their critical dependencies and any extra support available to them.</li> <li>• Critical Customers can get extra support to assist them to self-help in the Migration and Copper Switch off.</li> <li>• Critical Customers can migrate with minimum disruption to their Connection and monitored medical alarms.</li> <li>• Where Copper Switch-off commences, Critical Customers can be registered as 'exempt-users' to benefit in terms of additional time before switch-off deadline.</li> <li>• People with disabilities who require extra help can register their requirements with the RSP.</li> <li>• To the maximum extent possible, RSPs give extra support to other vulnerable customers in the Migration and Copper Switch off.</li> </ul>

### Next steps

- 1.16 ComReg will closely monitor and evaluate market developments and RSPs' approach to actively supporting their customers' smooth and effective Migration. ComReg will monitor and evaluate the status of Migration and future Copper Switch-off. It will also monitor consumer behaviour and attitudes towards new technologies to help enable end-users, in general, to make informed choices in respect of ECS. ComReg will evolve this Guidance as relevant, including to incorporate any further considerations if a Copper Switch Off is notified by a network operator.
- 1.17 ComReg, cognisant of its power to amend the General Authorisation,<sup>13</sup> may consider whether additional consumer protection measures may be appropriate to ensure that consumers are protected.

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<sup>13</sup> Pursuant to Regulation 8 of the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations, 2003 (S.I. No. 306 of 2003). See [ComReg-0381R6.pdf](#)

## 2 Introduction

### 2.1 Background

- 2.1 The majority of fixed line broadband connections and voice services are delivered using FTTH and VoIP technology which is a Modern Connection.<sup>14</sup> However, a substantial number of fixed line telephone and broadband connections are currently delivered to premises using the copper access network. The copper line technology has been in existence for many decades and was originally designed to deliver telephone services (i.e. voice services) at a fixed location. Copper-based networks were not originally designed to carry large amounts of data or internet traffic.
- 2.2 As electronic communications have evolved, there are now greater demands on communication systems to carry increasing volumes of data traffic. It has become apparent with the increasing need for higher bitrates that there are physical limitations on copper access networks in catering for today's requirements of faster and more reliable data services and more flexible telephony services. Such important services may be better provided by Modern Connections (such as, FTTH).
- 2.3 On 4 March 2021, Eircom shared with ComReg and published on its website, a white paper entitled "Copper switch-off: Leaving a legacy for the Future"<sup>15</sup> in which Eircom signalled its intent to migrate copper-based services to largely fibre-based networks and ultimately switch off its copper access network.
- 2.4 The rollout of VHCNs is accelerating through a combination of commercial investment by telecommunications companies and State intervention by means of the National Broadband Plan. This rollout will increasingly facilitate the transition from ECS which is based on copper to services on Modern Connections. It offers numerous benefits to customers generally in terms of faster, reliable and secure broadband services, as discussed in section 3.1. Against this background, many customers are choosing to migrate to services on Modern Connections.

### 2.2 Safeguarding competition and the rights of end-users

- 2.5 In publishing this Guidance, ComReg is mindful of its objectives and functions as set out in the Act and the ECC Regulations which transpose the European Electronic Communications Code – EECC Directive (EU) 2018/1972 (the "Code") into Irish law. Regulation 4 of the ECC Regulations, amongst other things, promotes the interests

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<sup>14</sup> According to ComReg's Quarterly Key Data Report, by Q1 2023, majority of fixed line broadband connections were delivered to premises using the FTTH network, and majority of fixed line voice services were delivered to premises over VoIP.

<sup>15</sup> Available on Eircom's website [here](#)

of end-users:

- a) by ensuring connectivity and the widespread availability and take-up of VHCN including fixed, mobile and wireless networks, and of electronic communications services,
- b) by enabling maximum benefits in terms of choice, price and quality on the basis of effective competition
- c) by maintaining the security of networks and services,
- d) by ensuring a high and common level of protection for end-users through the necessary sector-specific rules, and,
- e) by addressing the needs, such as affordable prices, of specific social groups, in particular end-users with disabilities, elderly end-users and end-users with special social needs, and choice and equivalent access for end-users with disabilities.

2.6 ComReg is also mindful of its statutory functions and objectives of promoting competition among providers of ECS and promoting the interests of end-users of ECS. In respect of the latter, this includes:

- ensuring a high level of protection for consumers in their dealings with suppliers,
- making sure information is clear,
- encouraging access to the internet at reasonable cost to users, and
- addressing the needs of specific social groups, in particular end-users with disabilities.

## 2.3 End-user rights and consumer protection rules

2.7 Obligations in respect of end-user rights (such as those relating to end user rights in the Code and under consumer law) may be engaged in the Migration. RSPs should be mindful of not adversely affecting end-user rights and other consumer protections including, for example, those as set out below.

- End-user rights under the ECC Regulations<sup>16</sup> (such as, those pursuant to Regulations 87 to 93 of the ECC Regulations and associated Schedules) and any consumer protection measures imposed by ComReg (such as measures

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S.I. No. 444 of 2022. See [pdf \(irishstatutebook.ie\)](https://www.irishstatutebook.ie)

to ensure equivalence in access and choice for disabled end-users<sup>17</sup>, measures to specify the format of notifications<sup>18</sup> and measures for compensation in the case of the failure of a provider to comply with the obligations<sup>19</sup>) pursuant to legislation.

- The Open Internet Access Regulation<sup>20</sup> requirements apply to a provider of IAS such as safeguarding the openness of the internet and avoiding limitations on the rights of internet users. Specifically, Article 4 (1) of the Open Internet Access Regulation establishes contract information requirements.
- Requirements of the Consumer Protection Act 2007 (as amended).
- Requirements of the Consumer Rights Act 2022, (the '2022 Act') (including for example, obligations for traders under Part 4 relating to the supply of services and service conformity; under Part 5 regarding consumer information, cancellation and other rights; and regarding unfair terms in consumer contracts (Part 6)).

## 2.4 ComReg Decision D09/23

- 2.8 To safeguard competition and the rights of end-users throughout the Copper Switch-off process, ComReg expects that Eircom will implement Copper Switch-off adhering to the requirements of the applicable Transition Framework, as set out in ComReg Decision D09/23. Where Copper Switch-off commences, the applicable Transition Framework is designed to facilitate Access Seekers in managing a smooth and seamless transition to modern networks where they should receive information to understand Eircom's process for withdrawal of copper-based services and appropriate notice from Eircom on its planned switch-off schedule.

## 2.5 BEREC

- 2.9 ComReg has also reflected on the work conducted by BEREC on Migration and Copper switch-off (see Annex 1) and draws on insights as relevant.

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<sup>17</sup> Pursuant to ComReg Decision D04/14. [Electronic Communications:- Measures to Ensure Equivalence in Access and Choice for Disabled End-Users \(comreg.ie\)](#)

<sup>18</sup> Pursuant to ComReg Decision D13/12. [ComReg12128.pdf](#)

<sup>19</sup> Pursuant to ComReg Decision D01/24. [ComReg-2401.pdf](#)

<sup>20</sup> Regulation (EU) 2015/2120.

## 3 Migration Considerations

### 3.1 Potential benefits of Migration

- 3.1 Advanced digital network infrastructure is essential for a successful digital economy and society. As advanced technologies become more widespread, end-users will increasingly be able to reap the benefits, including in terms of access to services of quality, to better perform basic tasks on-line, such as eGovernment services, social media, browsing or performing video calls. Therefore, it is imperative that end-users are able to migrate successfully to reap these benefits.
- 3.2 For households with greater dependency on connectivity in terms of multiple connected devices and a multitude of smart appliances running off them, transition expands benefits in terms of more reliable and stable connections, meaning fewer service interruptions and a consistently high-quality connection. Faster internet speeds also mean increased productivity, for instance when regularly working from home, video conferencing and or uploading. End-users can also benefit from seamless streaming and lag-free gaming, all of which improves online experience overall and justifies Migration.
- 3.3 For, business end-users the increasing use of digital services such as the Industrial Internet of Things, facilitated by the use of high-speed low latency connections, enables the use of critical services in a broad range of sectors and activities.

### 3.2 Potential adverse impacts on customers

- 3.4 In general, Migrating to Modern Connections is straightforward. However, Migration may not always be easy or smooth for end-users where potential challenges arise, including but not limited to:
- **Awareness of technologies:** There are a multitude of technologies available to deliver ECS. Where there is low awareness of or, understanding among end-users of, the available technologies for ECS, their ability to make informed choices in the Migration may be impeded.
  - **Awareness of considerations in the Migration:** An end-user may not fully be aware of or understand possible impacts of Migration; and may procrastinate or be impeded in their Migration where they may not have adequate, reliable or timely information (such as, in terms of steps they may need to take to assist themselves ensure continuity of their ECS and other connected services dependent on that Connection). This includes, among other things:
    - i. Customers understanding of any changes to their migrating voice service

from PSTN to VoIP; and a potential need for a battery back-up to be able to continue to use the service, in particular, a home landline telephone service to make and receive calls; including to contact the emergency services, on a temporary basis, during a power outage.<sup>21</sup>

- ii. Customers may be required to take additional steps on connected devices/services that may be dependent on the Copper Connection (such as, to contact their provider of connected devices/services and replace the device/service) to ensure its continuity.

- **Complexity of Migration:** Migration may involve:

- i. Installation works which may vary premises to premises.<sup>22</sup> In the case of a non-standard connection/ installation, customers may not have accurate expectations or may perceive inconvenience (such as, about the impacts, installation works, and associated costs of Migration).<sup>23</sup>
- ii. Different scenarios which may arise when connecting a premises.<sup>24</sup> Nonetheless, connecting a premises for a customer will often involve actions from both the RSP, the network operator (and/or a network operator assigned contractor as applicable) and the customer. It is imperative that the RSP leading the Migration effectively coordinates parties to the Migration, manage customers' expectations and align customers' preferences to what may be required to be done in the installation and activation stages.
- iii. Issues relating to switching and porting, should they arise in the Migration. For example, number loss in the Migration or a delay or failure in switching.

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<sup>21</sup> See ComReg document 21/143 for further reference [ComReg-21143.pdf](#)

<sup>22</sup> Connection to Modern Infrastructure like fibre networks may entail work within the curtilage of the customer's premises, in respect of non-standard connections. This could include, for example, tree-trimming or clearance of duct blockages.

<sup>23</sup> According to the Broadband Connectivity Survey, 2023 conducted by ComReg, among the reasons for not subscribing to fibre, 13% of the respondents suggested the hassle/disruption of upgrading, 6% suggested the one-time installation costs of connecting to fibre, 6% suggested that they do not want overhead cable connections, 5% suggested their worry about things going wrong if they changed provider for fibre connection and 1% was worried about the need for construction work inside the house to install it. In addition, the survey also revealed that among the reasons for not subscribing to fibre, 3% reported their concerns over the connectivity for their important services such as alarms. Among those who migrated to full fibre, issues with home equipment were reported for fixed telephone (4%) and alarms (3%). See [B&A \(comreg.ie\)](#)

<sup>24</sup> For example, (i) there is an existing connection that can support that service without a technician appointment being required; (ii) there is not an existing connection that can support that service – for example, because the service requires a new or altered type of connection.



- iv. A level of disruption, for instance service outages during installation and technical set-up. Migration may also involve a risk of delays or failures in getting connected to a Modern Connection or possibly end-users may not ultimately be able to be connected at all<sup>25</sup> (i.e., premises passed by a VHCN but not connected).
  - v. Scenarios where customers may not have access to information critical to their Migration which is generally facilitated by applicable end-user rights<sup>26</sup> or already existing RSP processes and procedures. For instance, while in general there may be direct communication with the customer in the order journey through existing processes, in the instance of an Intra-operator Migration where it may involve only an upgrade to an underlying Connection (with no accompanying new contract being entered into), there may not necessarily be direct communication with the customer prior to the installation, to set accurate customer expectations. In that context, these customers may not be fully aware of potential impacts of the Migration.
  - vi. Changes to connected devices/services dependent on Copper Connection. Customers may need to find a replacement connected device(s)/service(s) which could interwork with the Modern Connection choice(s) available at the customer's premises.
- **Critical dependencies on the Copper Connection:** Critical Customers have monitored medical alarms dependent on the Copper Connection. These customers may be at a high risk in the Migration, where (i) they are unaware of their critical dependencies on the Copper Connection (ii) there may be potential disruption to the Connection and their monitored medical alarms and (iii) in the Migration, they are unable to identify a monitored medical device/service that is compatible with the Modern Connection.
  - **Consumer biases:** RSPs will be aware that behavioural biases<sup>27</sup> may cause customers to procrastinate, disengage or be discouraged from Migration.<sup>28</sup> To the extent that these biases are not addressed by RSPs (for instance, if customers do not have adequate information or time to fully understand the impacts and steps they may need to take in the Migration; or if they perceive barriers to migrating or there is a lack of a trigger to migrate), customer Migration

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<sup>25</sup> As detailed in ComReg Decision D09/23.

<sup>26</sup> For example, contractual information in accordance with Schedule 7 and Schedule 8 of the ECC Regulations.

<sup>27</sup> For example, behavioural biases including conformity bias, inertia, status quo and endowment effect.

<sup>28</sup> ComReg's Broadband survey (2023) revealed that 23% of the sample reported that they do not wish to subscribe to fibre if offered and 24% were neither likely nor unlikely to subscribe if offered. See [B&A \(comreg.ie\)](https://www.comreg.ie)

can be delayed.

3.5 Customers migrating during Non-Voluntary Migration may face additional challenges, including but not limited to:

- **Asymmetry of information:** An asymmetry of information which may exist for the customer should the RSP not adequately or appropriately provide or communicate necessary information in terms of the Copper Switch-off event and its potential impacts on customers that would need to migrate.<sup>29</sup>
- **Time constraints:** Where Copper Switch-off commences and a specific timeline(s) applies, choices about whether to remain connected and what may be a suitable Modern Connection, may have to be made by Copper Customers under a time constraint. During the Non-Voluntary Migration, Copper Customers having yet to migrate approaching the deadline for switch-off may be presented with a risk in terms of shortened time to research and choose themselves a Modern Connection that best suits their needs.
- **Potential considerations of Non-Voluntary Migration:** Customers may remain disengaged during Non-Voluntary Migration. In that context, additional efforts may be necessary by RSPs to ensure processes and procedures in place are effective to address any delays that may arise because of consumer biases or, other issues that may arise, as set out above; and to avoid a risk of last-minute Migrations, possibly in large numbers.

3.6 Challenges, such as identified above, may pose a risk to end-users overall positive Migration experience. In some cases, challenges are in general arising for Copper Customers in Migration, and their impacts have become apparent.<sup>30</sup> ComReg considers that it will be beneficial for RSPs to proactively adapt to issues arising currently and that may arise, in the Migration; and avoid or reduce challenges and potential adverse outcomes including, but not being limited to:

- **Uninformed choice:** A lack of customer knowledge of key information<sup>31</sup> to make informed choices about their Modern Connection options, coupled with inadequate provision of information from RSPs, may result in certain end-users

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<sup>29</sup> In accordance with ComReg Decision D09/23, Eircom's communications plan under Section 4.3 shall not provide for, and there shall be no, direct communications in respect of Migration from Legacy Infrastructure from Eircom to End-Users who are not retail customers of Eircom, and any public information campaign run by Eircom for the purpose of informing the general public of Eircom's Migration from Legacy Infrastructure plan and its timing may only be carried out under the 'Open Eir' brand.

<sup>30</sup> ComReg's Consumer Care data revealed challenges and impacts on end-users who migrated from Copper-based ECS to Modern Connections.

<sup>31</sup> For example, information in accordance with Schedule 7 and Schedule 8 of the ECC Regulations. This may also include information regarding the impact of Migration on accessing and using connected devices and services and information on an upcoming copper switch off.

making uninformed choices (e.g., regarding service selection, Connection options, and the compatibility of connected devices) in Migration. Consequently, end-users may make choices that do not meet their needs.

- **Disruption to ECS:** Where either information available to end-users is insufficient regarding possible impacts of Migration, or where there may be inefficiencies in RSPs' processes and procedures; this may risk the continuity of customers' ECS. Where disruption to the Connection may occur, concerns may also arise in respect of services dependent on the Connection (e.g., voice services delivered over VoIP) and contacting the emergency services. In the context of a Copper Switch-off, where customers are not effectively engaged and migrated before the switch off deadline, those customers may face a risk of disconnection.
- **Disruption for Critical Customers:** Where RSPs processes and procedures are not effective to adequately provide Critical Customers with extra support, the continuity of their ECS and other services critically dependent on that Connection (such as monitored medical alarms) could be adversely impacted.
- **A negative customer experience:** Where things go wrong, if Migration is not effectively managed by RSPs (such as, provision of information that is not adequate or processes that are not effective to facilitate an effective Migration), this may contribute to an overall negative customer experience during Migration.

### 3.3 Rationale for Guidance

3.7 It is ComReg's view that customers' Migration should be actively managed by RSPs to allow customers to reap the benefits of migrating to a Modern Connection and minimising any challenges to effective Migration. A Migration is smooth and effective when customers are empowered to exercise choice; can migrate smoothly and seamlessly; and can access extra support services when needed in Migration, in particular, Critical Customers.

3.8 It is imperative that RSPs manage customers' Migration effectively throughout the stages of the customers' Migration journey. To facilitate this, ComReg considers that RSPs should provide adequate, appropriate and timely information, implement and utilise effective processes and procedures to help customers to migrate smoothly, and support customers, to ensure the desired end-user outcomes, as encompassed in the Principles set out below.

## 4 ComReg's Guidance

### 4.1 Overview

- 4.1 ComReg, in this section, addresses the applicability of the Principles and the steps contained within those Principles below.

### 4.2 Applicability

- 4.2 The Principles apply to Copper Customers (when in contract) migrating to a Modern Connection. Accordingly, the Guidance applies to RSPs of those Copper Customers and RSPs leading the Migration (i.e., the receiving provider) of those customers to ECS over a Modern Connection.

- 4.3 There are a range of scenarios that may arise during Migration and Migration should work effectively in all cases. The Principles consider the following scenarios of Migration:

- **Consumer-led and RSP-led Migration:** Migration may be Consumer-led or RSP-led, and applicable end-user rights in the Migration scenario may vary depending on these circumstances.<sup>32</sup> Irrespective of the Migration scenario, RSPs should ensure end-user rights are not adversely affected and that customers are encouraged to migrate where it is in their interests to do so.
- **Voluntary and Non-voluntary Migration:** During Voluntary Migration, customers may continue to avail of ECS which is copper based if offered by the RSP. It may be that Copper Customers would not choose to migrate if the choice to avail of ECS which is based on copper, continued to be offered by their RSP. However, during Non-Voluntary Migration, customers who wish to remain connected to the public ECN and continue to access ECS may have no choice but to migrate their services to a Modern Connection.
- **Intra-operator or Inter-operator Migration:** Migration may involve an Intra-operator or Inter-operator Migration. An Intra-operator Migration scenario may involve an upgrade to an underlying Connection with no accompanying new contract being entered into.

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<sup>32</sup> For instance, in the case of Consumer-led Migration, copper customer must receive Pre-Contractual Information (Regulation 87 of the ECC) before signing up to a service, compared to an RSP-led Migration, where the customer must receive a Contract Change Notification (CCN) in complying with Regulation 89 of the ECC regulation, where changes are made to the customer's contract by the RSP.

### 4.3 Principles to facilitate customers' Migration

4.4 ComReg's objective is to ensure that Migration does not adversely affect competition and end-user rights. Accordingly, ComReg has identified Principles to ensure that the Migration works well for Copper Customers and that they are protected, and their rights upheld in the Migration.

#### 4.4 Principle 1: RSPs should ensure information provision and communication is used for effectively migrating their customers

4.5 The availability and effective dissemination of transparent, accurate and timely information and communication empower Copper Customers, assisting them to engage with the RSP in the Migration ahead of a withdrawal of Copper-based ECS and future Copper switch-off.

4.6 ComReg sees this Principle to mean that, at a minimum, to effectively manage customers' Migration in practice, including but not limited to:

##### 4.4.2 When looking for a service, in preparation for Migration, customers should have access to adequate, appropriate, and timely information which supports informed choice and prepares them to confidently sign up to a Modern Connection of their choice

4.7 Adequate information from RSPs could help overcome any challenges in the Migration (including as set out in section 3.2), to avoid a risk of customers making uninformed choices and adverse impacts on customers' continuity of services. ComReg expects that RSPs will ensure that their Copper Customers are adequately and appropriately informed to increase their confidence and preparedness to engage with and navigate the Migration.

4.8 It is beneficial in terms of enhancing end-user choice and fostering competition that RSPs support Consumer-led Migration. Information and communication from RSPs may act as important triggers for their Copper Customers to engage in the Migration.

4.9 In addition, RSPs' information provision and communication efforts in the Migration should allow Copper Customers to exercise informed Migration choices. In that context, the RSPs' approach to information provision and communication should enable their Copper Customers to undertake their own research of available alternatives to the Copper Connection and to select a service that best suits their needs. ComReg notes that in complying with transparency of information requirements, RSPs must publish transparent information on service offers (such as information on tariffs, quality of service, conditions on terminal equipment) and other

relevant information in a clear, comprehensive and machine-readable manner and in an accessible format for end-users with disabilities.<sup>33</sup> Additionally, RSPs are required to publish transparent information on IAS.<sup>34</sup> Such information must be updated regularly by RSPs.

4.10 To further support Copper Customers to make fully informed and timely choices about what Modern Connection best meets their needs, the RSPs' should aim to:

- equip their Copper Customers with the relevant information about the range of Connection options offered by the RSP. The presentation of the information should be in plain English, comparable and accessible.<sup>35</sup> ComReg expects RSPs to minimise confusion regarding the choice of Modern Connection available at the customers premises. RSPs should consider directing their customers to ComReg's consumer information and tools (such as, fixed broadband availability checker, outdoor mobile coverage map and comparison tool) to also support customers exercise choice about what Modern Connection is best suited to their needs.
- draw their Copper Customers' attention, at an early stage, to the possible implications of Migration generally, in terms of continuity of services. Customers should understand that their services or devices may not function on the Modern Connection.<sup>36</sup> Irrespective, RSPs are reminded of their obligation to provide information on the degree to which access to emergency services may be supported or not.<sup>37</sup>
- provide information on the process of Migration and what they can expect when connecting to a Modern Connection (including the installation and activation aspects, discussed below). RSPs could utilise tools (such as, FAQs, flow charts, and videos) to explain the Migration journey in respect of getting connected and successful activation of the Connection.

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<sup>33</sup> Pursuant to Regulations 88 (1) to (4) and Schedule 8 of the ECC Regulations.

<sup>34</sup> In accordance with Article 4 (1) of the EU Open Internet Access Regulation.

<sup>35</sup> For instance, when describing the underlying technology of the Connection on which the service is provided and the levels of technical quality of the services. Ofcom issued [guidance](#) to providers on providing information on the underlying network technology. Italy's regulator AGCOM set out a traffic light system in 2019 to colour code different types of connections to easily differentiate between the type of connection available. This includes green for full fibre, yellow for mixed technology like FTTC or FWA and red for copper. Germany's regulator, BNetzA requires four different measures of upload and download speeds to be presented in a contract summary before the sale can be completed: minimum, maximum, normally available and adjusted after level of data use.

<sup>36</sup> For instance, end users are made aware of implications on their old telephony services and connected devices such as monitored medical alarms. Customers should have a general understanding of the possible implications to seek further information from their operator or other third parties (such as the providers of their connected services) tailored to their specific circumstances.

<sup>37</sup> Pursuant to Schedule 8, Regulations 88 of the ECC Regulations.

#### 4.4.3 RSPs should ensure information provision and communication is timely and directed at raising their Copper Customers' awareness about a future Copper Switch off and preparedness for a Copper Switch-off deadline

4.11 RSPs are responsible for effectively managing their customers Migration in a Copper Switch-off.<sup>38</sup> As described in section 3.2, Copper Customers may face challenges of limited time and information in the absence of effective communication and engagement by the RSPs. ComReg expects that RSPs will at an early stage aim to ensure their Copper Customers are made adequately aware about a future Copper Switch-off and adequately prepared for upcoming Copper Switch-off deadline. This would enable Copper Customers to smoothly migrate to a Modern Connection of their choice, if they wish to do so, before any withdrawal of Copper-based ECS.<sup>39</sup>

4.12 It is anticipated that RSPs will have at the appropriate stage, the essential information to prepare and manage their customers' Migration.<sup>40</sup> ComReg expects that RSPs will lead the communications in terms of switch-off of their customers' Copper-based ECS. To achieve this, at a minimum, RSPs should:

**(a) Actively create adequate awareness about a future Copper Switch-off at an early stage.**

4.13 It is expected that RSPs of Copper Customers would develop communication strategies that:

- support their Copper Customers to understand Copper Switch-off (its rationale, benefits, available choices, migration process and where to find relevant impartial information) and its implications for them, and any necessary actions required on the part of end-users to ensure continuity of service.
- communicate in a clear and timely manner in advance about upcoming Copper Switch-off to ensure adequate awareness.<sup>41</sup>

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<sup>38</sup> In accordance with ComReg Decision D09/23, Eircom's communications plan under Section 4.3 shall not provide for, and there shall be no, direct communications in respect of Migration from Legacy Infrastructure from Eircom to End-Users who are not retail customers of Eircom, and any public information campaign run by Eircom for the purpose of informing the general public of Eircom's Migration from Legacy Infrastructure plan and its timing may only be carried out under the 'Open Eir' brand.

<sup>39</sup> Pursuant to ComReg Decision in D09/23, all In Scope Premises must be provided access to Alternative Comparable Products on the Modern Infrastructure substituting the Legacy Infrastructure. The alternate access must be comparable in terms of quality and functionality to the Legacy Infrastructure based products it is provided in place of.

<sup>40</sup> The Transition Framework, as set out in ComReg Decision D09/23, enable Access Seekers/RSPs to have access to information and reasonable time to prepare for a proposed withdrawal of the legacy-based services, including a suitable notice period for their end-users.

<sup>41</sup> Customers may have varying deadlines for switch off and may have varying connected devices which may require different preparations. In light of an awareness gap, it was estimated that 27% of UK

- effectively reduce a risk of possible misconceptions,<sup>42</sup> fostering public acceptance of Copper Switch-off and benefits of migrating to an available Modern Connection at an early stage.

**(b) Support customer preparedness for any deadlines for Copper Switch-off.**

4.14 It is imperative that during Non-Voluntary Migration, RSPs would ensure that their Copper Customers have adequate information to prepare, in terms of taking any action before any Copper Switch-off deadline.<sup>43</sup> To achieve this, RSPs may consider:

a) providing information (general or more targeted) about Copper Switch-off and any applicable deadlines. To effectively communicate this:

- RSPs may employ strategies at a targeted level as relevant.<sup>44</sup> RSPs may consider drawing their Copper Customer's attention to measures offered (e.g., free early exit and free upgrades) to support customers' Migration to a Modern Connection generally and to encourage any disengaged customers to migrate as Copper Switch-off progresses.
- It is imperative RSPs set accurate expectations for the customer if a 'stop sell' commences.<sup>45</sup> Copper Customers should understand the impact of a 'stop sell' where implemented (such as, they no longer can purchase new contracts or renew expired contracts for Copper-based ECS). RSP should ensure customers clearly understand that it does not imply disconnection for those who are still under contract before the Copper Switch-off deadline.
- RSPs should make multiple attempts to contact Copper Customers regarding the switch-off. To support end-users who are not the most digitally savvy, RSPs should consider an all-encompassing communication plan<sup>46</sup> with due consideration being given to accessibility of the information.

b) providing notification of Copper Switch-off at an appropriate time(s).

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consumers surveyed by the Communications Consumer Panel were entirely unaware of the PSTN switch-off.

<sup>42</sup> For instance, misconceptions relating to non-standard works and costs being applicable to all premises or VoIP having poor call quality or is more expensive, to name a few.

<sup>43</sup> Pursuant to ComReg Decision D09/23, Eircom shall provide Switch-off Notices for Access Seekers and ComReg.

<sup>44</sup> In the case of Eircom's Copper Switch off, RSPs may consider targeting their communication campaigns at the Legacy Exchange Area level, on receiving confirmation from Eircom regarding the switch off plan in a legacy exchange.

<sup>45</sup> Pursuant to ComReg Decision D09/23.

<sup>46</sup> For instance, using both electronic and print media including RSP website, physical letters, email or SMS. RSPs may also consider leaflet drops or doorstep promotions.



- ComReg considers it would be beneficial to Copper Customers that RSPs directly notify their Copper Customers who may be impacted by any notices RSPs receive from a network operator in relation to a Copper Switch-off deadline.<sup>47</sup> This will help ensure that customers understand the timelines for the switch-off and have found a replacement service if they wish to do so or made the necessary arrangements, if applicable, if they wish to remain disconnected.
- Despite information provision and direct communication from their RSPs, some customers may choose not to migrate from their Copper-based ECS during the final notice period.<sup>48</sup> RSPs may consider informing such customers of the withdrawal of their Copper-based ECS through a confirmation notice and which may be maintained as a record.<sup>49</sup>

## 4.5 Principle 2: Migration is smooth and seamless for customers

4.15 Migration should be a positive experience for customers, involving, among other things, a smooth and seamless Migration. This Principle include, but is not limited to:

### 4.5.2 RSPs leading the Migration implement processes and procedures to minimise service disruption and maximise certainty to customers

4.16 As described in section 3.2, issues may arise during Migration due to potential impacts and complexities of the Migration. RSPs should pre-empt and minimise issues that may arise. In addition, RSPs should proactively manage the Migration and implement effective processes and procedures geared to minimise service(s) disruption and provide maximum certainty for customers with respect to potential complexities. ComReg expects RSPs to facilitate a prompt, focused and streamlined Migration for their customers in the Migration scenarios, as set out in section 4.2.

4.17 RSPs are aware of their obligations in terms of processes for facilitating end-user rights in relation to switching and porting.<sup>50</sup> These rights may be engaged and RSPs should be mindful that they are not adversely affected in the Migration. Further Guidance regarding these obligations is discussed in Title III: End-User Rights

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<sup>47</sup> Mandatory notices to be given by Eircom are set out in ComReg Decision ComReg D09/23. RSPs should note that these notices will not be directly communicated by Eircom to end users. RSPs should consider notifying their own customers of any notice given by Eircom as soon as practically possible.

<sup>48</sup> Pursuant to ComReg Decision D09/23, this means at least 3 months' Confirmation Notice prior to Switch off (Phase1 or Phase 2) taking place.

<sup>49</sup> For instance, a confirmation notice of the decision to disconnect used in New Zealand. See: [comcom.govt.nz/\\_data/assets/pdf\\_file/0021/342282/Copper-Withdrawal-Code-2024-5-February-2024.pdf](https://comcom.govt.nz/_data/assets/pdf_file/0021/342282/Copper-Withdrawal-Code-2024-5-February-2024.pdf)

<sup>50</sup> Pursuant to Regulation 90 of the ECC Regulation.

## Regulatory Guidance and IAS Guidance.

4.18 The RSP as leader of the customer's Migration should effectively manage and co-ordinate the Migration on behalf of the customer. To achieve this, it is ComReg's view that the RSP should take the following steps:

**(a) The RSP leading the Migration manages the customer's sale and order journey**

4.19 The RSP having the direct relationship with the customer should effectively manage the customer's order.

4.20 First, ComReg sees this to mean that at the order stage, the RSP should set accurate expectations regarding the customers' order to ensure that customers can take any steps necessary in advance of any installation to ensure continuity of their services. The RSP leading the Migration should, including but not limited to:

- perform the pre-qualification on signing-up a customer to a Modern Connection. ComReg expects an RSP would at least confirm to the customer whether their Modern Connection order can be processed, and if the Modern Connection may be non-standard (as compared to a standard Modern Connection).
- confirm with their customer their understanding of any changes to their voice service (such as, a change in PSTN to VoIP) and any consequent impacts, to minimise disruption to services (such as, any limitations to accessing voice and contacting the emergency services during a temporary power outage).
- draw their customers attention to possible impacts in the Migration (such as, a change to CPE or telephone handsets) and what steps the customer needs to take to minimise issues that may arise, as set out in section 3.2. RSPs ought to inform end-users that they may require an alternative back up (including a battery back-up available from electrical retailers or a mobile phone for example) in a power outage for use with their ECS.
- draw their customers' attention to potential impacts on connected services (e.g., personal monitored alarms, security alarms dependent on the Copper Connection). It may be beneficial to the customer that RSPs would indicate any arrangements that should be made by the customer prior to the installation, in relation to their connected service/device.<sup>51</sup> This would support customers as to what possible steps they can carry out to assist themselves,

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<sup>51</sup> For example, whether the customer needs to contact their connected service provider to disconnect any phoneline hardwired into alarm system via the faceplate, where a faceplate change is advised or connect the connected device/service to a battery back-up.

in advance of the installation appointment.

- confirm with the customer the process for Migration (such as, whether there is a necessity for a site survey to scope the installation aspect, the potential for multiple appointments and engineering works). With respect to any associated cost considerations, it would be beneficial to customers in terms of determining the cost sharing arrangement that the RSP informs them whether the non-standard connection cost will be fully or partly borne by the RSP or customer.
- draw customers awareness to provisions to assist them in their Migration, (including, but not limited to, provisions relating to switching, contract termination, cooling-off period and the Code of Practice for complaints handling).<sup>52</sup>
- set accurate customer expectations prior to the site survey regarding the setup of the Modern Connection within the customer's premises. RSPs should clearly inform the customer of the information the site technician may require from them. For instance, in the case of an installation for an FTTH Connection, this may include, but is not limited to, the customer's preferred positioning for equipment and cabling (such as ETU,<sup>53</sup> ONT<sup>54</sup>, and modem), the availability of power sockets and wiring options, as applicable. RSPs should also inform the customer whether the site technician represents the RSP, the network operator, or a third-party contractor engaged by either entity, prior to the site survey.

4.21 Irrespective of ComReg's expectations, RSPs will be aware of their obligations with respect to information requirements for contracts under Regulation 87 of the ECC Regulations and Part 5 of the Consumer Rights Act 2022. Further Guidance regarding these obligations is discussed in Title III: End-User Rights Regulatory Guidance.

4.22 Second, RSPs should ensure that the order accurately confirms the customer's requirements. To ensure accurate processing of the agreed upon order on the relevant ordering system, the RSP:

- indicates on the order the customer's preference to port/retain the number, in complying with the end-user right to port the number. To minimise the risk that a customer may be impeded in the migration, ComReg expects RSP's to ask

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<sup>52</sup> RSPs will be aware of obligations pursuant to section 42 of the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023.

<sup>53</sup> External Terminal Unit.

<sup>54</sup> Optical Network Terminal.

and confirm with customers whether a voice service is involved in the Migration and therefore a port is required. Overall, ComReg expects customers' Migration from Copper-based ECS, and porting processes should work in conjunction with one another to provide a smooth and seamless experience for customers.<sup>55</sup>

- effectively coordinates with their customer to record any requirements relating to self or technician installation<sup>56</sup> for CPE (e.g., modem, VoIP phone or any other equipment part of the bundled service) where changes to CPE are involved.
- Schedules an appointment date and a time for a technician visit(s) for site survey and install, as agreed with the customer. It may also be appropriate to promptly facilitate any updates or changes (such as, appointment timing, the customer's contact details<sup>57</sup> etc.) on request to minimise issues with the installation.
- Agrees with the customer the date for the Migration and, where applicable, an installation timeframe, having regard, among other things, to consumer law requirements relating to the supply of the service<sup>58</sup>. However, it is possible that the RSP at this stage may not be able to give an exact date for the completion of a required installation process (where applicable). In such an instance, ComReg expects the RSP to factor the required timeframe for installation (based on factors including but not limited to, network provider's appointment availability and Standard Level Agreements) into consideration, when agreeing with the customer the actual date for activation of the Modern Connection/service(s).

**(b) The RSP leading the Migration coordinates the installation and activation processes and procedures for effectively migrating their customer.**

4.23 In the Migration, ComReg considers it beneficial for customers that RSPs have in place processes for installation and activation which are implemented and working effectively for customers to ensure a positive experience. ComReg sees this to mean, that, first, RSPs leading the Migration, ensure installation and activation aspects are effectively coordinated on behalf of the customer. Second, in advance of an installation, customers should have full information specific to their circumstances so that they know what to expect during the installation and activation of service(s) and steps they can carry out to assist themselves in the installation and

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<sup>55</sup> Title III End-User Rights Regulatory Guidance addresses end-users' consent for the switching and porting to occur and ComReg Decision D06/21 addresses the time period allowed for the end-user to retain their right to port their terminated number to another provider.

<sup>56</sup> Where the service is offered by the RSP, as applicable.

<sup>57</sup> To ensure technicians and support teams have the accurate details to reach the customer on the day of the appointment and enable them to complete the works on the agreed upon appointment date.

<sup>58</sup> Section 78 of the Consumer Rights Act 2022.

activation stage.

4.24 During the period of installation and activation of the Modern Connection, ComReg expects the RSP leading the Migration would effectively coordinate the steps to smoothly perform service installation and activation. This should include the RSP, at an earlier stage, to minimise issues that may arise in the Migration:

- Confirming with the customer if the advised changes to the CPE (such as, new handsets for voice and changes to monitored medical alarms) have been made prior to installation. RSPs should have advised customers of possible changes to the CPE and steps they can carry out, as relevant.
- Clearly informing the customer of any anticipated service downtime as part of installation, geared to ensure that customers, including Critical Customers, can take steps to assist themselves in Migration.
- Clarifying with the customer the scope of the installation works required at the customer's premises, and if multiple appointments are required to complete the install. For instance, RSPs should ensure customers have a clear understanding of the plan for installing the FTTH connection (for example, whether the fibre cable will be installed overhead on existing poles or installed underground in existing ducts) and highlight possible impacts of installation in the customer's premises (e.g., dig driveways to resolve blockages in an underground duct, drilling a hole in the external wall to allow the fibre cable to enter the premises). RSPs should be clear such that customers have accurate understanding of the works required (e.g., clearing underground duct or setting up overhead drop, or sorting issues with connection to the network, civil works, licence approval from local authority, hoist required, tree trimming) and the timeframes for activation of the Modern Connection/service(s).
- Obtaining the customer's informed consent and cooperation to undertake any required works. Installation works possibly require the customer to agree upon details (such as the cabling and equipment location, availability of power sockets and landline wiring options, where applicable), and give consent to any required works within the premises (such as drilling, moving furniture, tree trimming, digging etc.). In that context, customers should have a clear understanding of the works required before giving consent to carry out the works in their premises. RSPs should be able to assure their customers that only the works to which the customer has expressly consented will be carried out and that the property will be restored to its original condition.
- Keeping the customer adequately updated on progression of the installation and activation of the Modern Connection/service(s).

- Directing customers to guidelines provided for self-install of equipment (i.e., modem, handsets) and how to activate them in the case of a self-installation.

**(c) RSPs ensure continuity of service(s) should issues arise in the Migration.**

4.25 Continuity of service is a key element of the Migration. However, Migration may involve some level of disruption or involve a risk of delays or failures in the Migration, as discussed in section 3.2.

4.26 ComReg expects that RSPs will implement processes and procedures geared towards minimising issues and ensuring continuity of service. To achieve this, among other things, the RSP should;

- Clearly inform customers about the progress of getting connected on the Modern Connection (including in cases of a delay or a failure or where it may be determined that the customer's premises cannot be connected to VHCN). The RSP leading the Migration should provide adequate updates to the customer as to when they can expect their migrating service(s) to be ultimately activated.
- Where applicable, facilitate a roll back procedure (reactivate the number and related ECS, where applicable) such that the contracted Copper-based ECS are continued on until the Migration has been effectively completed.<sup>59</sup>
- Following the installation and activation of the service(s) on the Modern Connection, and prior to deprovisioning the Copper-based ECS, the RSP ought to consider confirming with their customer whether the service on the Modern Connection have been tested on their equipment.

4.27 RSP's processes should ensure to minimise disruption for the customer, having regard to relevant end-user rights. Providers of IAS should have regard, among other things, to their obligations under Regulation 90 of the ECC Regulations and further guidance regarding these obligations are discussed in the IAS Guidance. Additionally, obligations pursuant to the Consumer Rights Act 2022 which requires RSPs to ensure conformity with the service contract may be engaged in the Migration.

**4.5.3 RSPs ensure processes and procedures are effective to encourage Migration**

4.28 As discussed in section 3.2, some customers may be discouraged from Migration because of behavioural biases or perceived barriers to Migration. RSPs should

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<sup>59</sup> In the context of Eircom's Copper Switch-off, RSPs can utilise the facility of a Temporary Legacy Service (TLS) as provided by Eircom to ensure continuity of their customer's ECS, pursuant to Decision D09/23.

ensure that their processes and procedures effectively encourage customers' Migration and that they can smoothly exit their copper contract by exercising choice. To facilitate this, it is ComReg's view that RSPs of Copper Customers should have in place, processes and procedures which in practice:

- Effectively notify their Copper Customers when they have access to a Modern Connection. Customers may wish to migrate to a Modern Connection but can be unaware of their availability. End-users may be triggered to migrate when notified of an alternative choice(s) available to them. In general, to encourage consumer-led Migration, RSPs could consider providing notices to inform end-users of the Modern Connections available at the end-users' premises. RSPs have access to necessary information to enable them to notify their customers when a Modern Connection is available at the customers' premises.<sup>60</sup> In addition, RSPs may consider utilising regulatory notifications (such as, Best Tariff Advice/Best Tariff Information) to advise their customers of the most suitable plans/packages for a Modern Connection that is available at their premises.<sup>61</sup>
- Seek to avoid any obstacle to Copper Customers smoothly exiting copper-based contracts in the Migration. In that context, in the event of a termination by the end-user during the contract period, and where applicable, RSPs may implement suitable measures (such as, by offering early exit free of cost, no migration fees, free upgrades and same price for fibre for first year or longer)<sup>62</sup> to support their Copper Customers wishing to migrate to a Modern Connection.
- Effectively notify customers (through a direct communication or otherwise as decided by the RSP) so that they can exercise choice. ComReg see this to mean that the RSP leading the Migration give customers accurate information and adequate time to fully understand the changes, any impact and steps they may need to take in the Migration.

In the event of a contract change, RSPs will be aware of their obligations under Regulations 89 of the ECC Regulations with respect to a Contract Change Notification ('CCN'). In complying with their obligation, RSPs will also be aware that they must notify and facilitate, where applicable, end-users' right to terminate their contract without incurring any further cost, if they do not accept the change.<sup>63</sup> Further guidance around obligations regarding a CCN and exclusion of the right of an end-user to terminate a contract are discussed in

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<sup>60</sup> The information in the Order of Magnitude file is mandated under the 2018 WLA/WCA Decision D10/18.

<sup>61</sup> Title III: End-User Rights Regulatory Guidance addresses ComReg's views as regards how to provide Best Tariff Advice/ Information.

<sup>62</sup> Refer Annex 1.

<sup>63</sup> Pursuant to Regulation 89 of ECC Regulations.

Title III: End-User Rights Regulatory Guidance and ComReg Decision D13/12.<sup>64</sup>

RSPs are best placed to decide, whether in the particular circumstances of each case, the CCN provisions under the ECC Regulations are engaged. Where the RSP decides the Migration does not require a CCN, RSPs should consider notifying their Copper Customers with information which the RSP deems appropriate and may be critical to the continuity of the customer's service(s), consistent with Principle 2.

- Easily facilitate Copper Customers to exercise their rights in the Migration and avail of any remedies under consumer law (including but not limited to, failure or delay to supply service, exiting the contract, switching and porting and cooling-off).

## 4.6 Principle 3: Customers can get extra support in the Migration

4.29 ComReg aims to promote the interest of all end-users by addressing the needs of specific social groups – end-users with disabilities, older end-users and end-users with special social needs.<sup>65</sup> Some Copper Customers may have specific circumstances or requirements which may put them in need of extra support services from the RSP to ensure a smooth and seamless Migration. These specific circumstances may include, but are not limited to:

- Critical Customers (i.e., Copper Customers, or a member of their household, are critically dependent on their Copper Connection for medical needs). These customers may be at a priority risk where there is a disruption to their Connection.
- Copper Customers with disabilities who may have an increased dependence on certain communication services. They may have additional needs and may need extra support from the RSP in their Migration to address any challenges specific to their circumstances. RSPs will be aware that the Equal Status Acts 2000 - 2018 prohibits discrimination in the provision of services on various grounds, including grounds of disability. Furthermore, pursuant to ComReg Decision D04/14, RSPs already have a facility for customers with disabilities to register their requirements.<sup>66</sup> RSPs should consult this facility as appropriate so that they

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<sup>64</sup> For further information, RSPs may refer ComReg Document No. 12/129.

<sup>65</sup> Pursuant to Regulation 4 of the ECC Regulations.

<sup>66</sup> RSPs are reminded of their obligations with respect to equivalence of access and choice, pursuant to S.I. 444 of 2022 and the measures for people with disabilities in place, including, the facility to register requirements of people with disabilities, pursuant to ComReg Decision D04/14, ComReg Document 14/52 Electronic Communications:- [Measures to Ensure Equivalence of Access and Choice for Disabled End-Users](#)



can help customers with disabilities.

- Some older customers (65+) who may struggle with understanding and using technology. As a result, they may not understand what the impacts are of migrating to a Modern Connection and what is the most suitable choice for them. Some in this cohort may also prefer more traditional telephony services ('plain old telephony service') and may need extra information to exercise their choice in respect of a replacement solution and Migration.<sup>67</sup>
- Copper Customers that rely on various connected devices/services which are dependent on the Copper Connection (such as, fire alarms, home security alarms etc.). Some Copper Customers, including those who are older customers, may have personal monitored alarms dependent on the Copper Connection which, amongst other things, allows them to live independently in their homes and can be at a risk where there is a disruption to the Connection.<sup>68</sup> These customers may need support to understand the impacts of Migration and what steps they can take to ensure continuity of service for the connected devices/services.

4.30 ComReg wants to make sure all Copper Customers are treated fairly and appropriately in their Migration. RSPs should be cognisant of the circumstances described above which may put Copper Customers in need of extra support to ensure a smooth and effective Migration. Nonetheless, it is ComReg's view that RSPs should make particular customer support efforts geared to respond to the needs and address circumstances of Critical Customers to avoid or reduce a risk of adverse outcomes. At a minimum:

#### 4.6.2 RSPs should utilise processes and procedures to ensure extra support for Critical Customers

4.31 ComReg expects RSPs will offer a priority level of customer care in terms of information and support service to Critical Customers. RSPs should minimise issues in Migration and that Critical Customers are facilitated to help themselves to smoothly and seamlessly migrate. To achieve this, at a minimum, RSPs should ensure that their processes and procedures are effective to:

- **Pro-actively create awareness about critical dependencies and any extra supports available.** It is expected that RSPs of Copper Customers will proactively create awareness about any critical dependencies that may require extra support in the Migration and of any supports offered to Critical Customers, among their Copper Customers. To facilitate this, RSPs should consider

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<sup>67</sup> In practice, some RSPs may have support services through a dedicated contact channel, so they can better help older customers.

<sup>68</sup> For example, Copper Customers with personal monitored alarms under the [Seniors Alert Scheme](#).

creating awareness and offering additional information through multiple channels<sup>69</sup> such that it is easier for these customers to find this information, mindful of end-users who may not be digitally savvy. This would benefit the Critical Customers with time to obtain information on connected services/devices which could interwork with the Modern Connection choices available at the customer's premises.

- **Identify Critical Customers.** RSPs leading the Migration should establish whether the Copper Customers, or a member of their household, have any monitored medical alarms and identify any impact of Migration on the customer in terms of a critical dependency for medical needs. ComReg expects that RSPs leading the Migration will pro-actively respond to Critical Customers who may require extra support in the Migration to avoid or reduce a risk of an adverse outcome. Consistent with Principle 2, RSPs should ensure the order has noted any critical dependencies as identified by the RSP. This should be utilised to ensure that extra caution can be taken to look after the needs or address issues of these customers that may arise throughout the Migration journey.
- **Provide clear, relevant and personalised support to assist Critical Customers to self-help.** RSPs leading the Migration should be able to offer one-to-one support to help Critical Customers choose a suitable Modern Connection which meets their needs. Consistent with Principle 2, RSPs leading the Migration should highlight the risk that their monitored medical alarms may not function on the Modern Connection and recommend that the customer contact the providers/suppliers of their monitored medical alarms. It would be beneficial that RSPs would direct the Critical Customers to information on potential remedies that should be put in place before and during Migration (such as, information on connected devices/services which could interwork with their choice of Modern Connection or be delivered using alternative technology (e.g., mobile)). RSPs should support as necessary the Critical Customers to reach out to their providers of connected devices/services to know more about the functioning of those on the Modern Connection. RSPs may also, on the request of the customer, and to the extent that it is necessary, cooperate with the customer's provider of medical alarm to provide extra support in terms of changes to CPE. Critical customers also need to be advised that the ECS will not operate during a temporary power outage (compared to Copper-based ECS which may have continued to operate due to the power on the line). In the case of Modern Connections, RSPs should remind the Critical Customers that a battery backup (available from electrical retailers) may be something that they

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<sup>69</sup> This could include reaching out to customers through mixed media, such as, paper copies by post, or door-to-door communication or verbally over the telephone, with agents trained to use plain, jargon-free language.

may wish to consider.

- **Ensure there is minimum disruption to the Connection of Critical Customers.** RSPs leading the Migration should ensure that the Modern Connection is activated and that the Copper Connection is not disconnected unless it is established by the RSP leading the Migration that the customers' monitored medical devices are functioning correctly on the Modern Connection. To facilitate this, consistent with Principle 2, RSP leading the Migration should confirm whether the customer has taken steps to ensure the continuity of their monitored medical alarms prior to the installation. It should furthermore confirm with the customer whether the alarm is functioning on the Modern Connection, after activation of the ECS. RSPs should defer installation where any party (the Critical Customer, or the provider of the connected device/service for medical needs) has any concerns relating to its functionality. Irrespective, for whatever reason, where the Critical Customers monitored medical alarms were to fail on Migration, RSPs should be able to treat this issue as a priority and promptly respond to minimise any disruption to the Connection and ECS (such as, ensure a quick roll-back procedure and restore Copper Connection where applicable). RSPs must not complete the Migration or withdraw the Copper-based ECS until a working solution is in place and that the customers' critical devices/services are correctly functioning.
- **Where Copper Switch-off commences, utilise the process<sup>70</sup> to allow Critical Customers to be registered as 'exempt users'.<sup>71</sup>** It would be beneficial for Critical Customers, in terms of additional time to migrate that RSPs of Copper Customers clearly explain to their Copper Customers, the benefits of registration for eligible customers (as determined by the RSP) when Copper Switch-off commences. ComReg is of the view that Critical Customers are treated as 'exempt users'. In that context, ComReg expects that RSPs ensure that their Copper Customers who may be Critical Customers are identified and registered<sup>72</sup> as soon as possible, or otherwise at least one week before Switch Off (Phase 1) is Complete.<sup>73</sup> This would support Critical Customers with additional time to identify and choose suitable replacement services.

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<sup>70</sup> ComReg Decision D09/23 establishes that Eircom shall have a process for Access Seekers and RSPs to follow in order to register an End-User as an Exempt User.

<sup>71</sup> According to ComReg Decision D09/23, "Exempt User" means an End-User providing critical infrastructure or a vulnerable End-User, in each case relying on legacy-based services and as determined by the Retail Service Provider, or an End-User of products supported by regulated LB TI WHQA services.

<sup>72</sup> To the maximum extent possible, RSPs should seek to identify other vulnerable customers who may need extra support and time in the Migration and Copper Switch off and give extra support to them as relevant. ComReg envisages that other end-users with specific circumstances described in paragraph 4.29, may be regarded as vulnerable and identified as 'exempt users' in the Copper Switch-off.

<sup>73</sup> According to ComReg Decision D09/23, the registration of Exempt Users shall be completed one week before Switch off (Phase 1) Complete (Milestone 3) or as otherwise agreed with ComReg.

# Annex 1: Matters from BEREC Reports

## Consistent approach to migration and copper switch-off

- A 1.1 In 2019, BEREC held an internal workshop on ‘Migration from legacy infrastructures to fibre-based networks.’ BEREC published a draft report on the experiences shared and based on data provided by the NRAs of 32 European (including all 27 EU) countries (“the Draft Report”).<sup>74</sup> With the benefit of the Draft Report, BEREC published a report on a consistent approach to migration and copper switch-off in 2022.<sup>75</sup>
- A 1.2 The Draft Report examined incentives set by providers for their end-users after the announcement of Copper Switch-off to encourage end-users to migrate and to avoid Non-Voluntary Migration. The incentives adopted by some of the BEREC Countries are discussed in the table below:

**Table 4: Incentives for end-users (Source: BEREC Report)**

Country	Incentives
<b>Belgium</b>	No migration costs for ANOs and free CPE when necessary.
<b>Norway</b>	Various introduction offers (e.g., a reduced price on end-user equipment).
<b>Portugal</b>	Potential benefits of the new networks, at the same price.
<b>Slovenia</b>	Migrating end-user is offered the same discount as a new user.
<b>Sweden</b>	In some cases, there has been some sort of introduction offers.

## Summary Report on the outcome of a BEREC internal workshop on the migration to VHCNs and copper switch-off with a focus on the needs of the end-users<sup>76</sup>

- A 1.1 Migration to VHCNs and copper switch-off is an important ongoing process, in particular for end-users. Consequently, BEREC held an internal workshop on 7 September 2023 in Brussels which focused on the needs of end-users in the context of a Copper Switch off.
- A 1.2 The Workshop revealed that many aspects have to be considered in order to ensure a smooth migration. However, most relevant for end-users are (i) sufficient, reliable and timely information; (ii) the availability of an appropriate alternative end-user service in time, and (iii) whether they will be forcibly switched-off, if they do

<sup>74</sup> BEREC Document No. BoR (21) 171. See [Draft Report on a consistent approach to migration and copper switch-off \(europa.eu\)](#)

<sup>75</sup> BEREC Document No. BoR (22) 68. See [BEREC Report on the outcome of the public consultation on the draft BEREC Report on a consistent approach to migration and copper switch-off \(europa.eu\)](#)

<sup>76</sup> BEREC Document No. BoR (23) 205 [BEREC Summary report on internal ws on migration to VHCNs \(europa.eu\)](#)

not migrate before a switch-off date. ComReg has reflected on key insights of this BEREC Summary Report.

- A 1.3 Some of the key issues identified relating to end-users' migration in the context of Copper Switch-off and potential measures used to address that may arise, are set out in the table below:

**Table 5: End-user issues and measures in the Migration and Copper Switch-off**

	<b>Issues and measures used to resolve them, if any.</b>
<b>Information and Communications</b>	<p>In Sweden, timely communication was regarded as a challenge. End-users who remain on the Copper Connection as a group are not the most digitally savvy and the digital divide was noted as a big challenge for the remaining Copper Customers.</p>
	<p>In Spain, operators inform their customers about an upcoming switch off in their legacy exchange and propose their migration to products based on a new access network, which will generally be FTTH. Some operators inform their customers via multiple channels, such as letters, SMS and special communications in the bills. General information regarding the copper switch-off is also provided in their web pages.</p>
	<p>In Luxembourg, convincing the remaining end-users to migrate to fibre was noted as a challenge, particularly due to the availability of VDSL technology which does not require additional work of inhouse vertical cabling and lack of price differentiation between copper and fibre services.</p>
	<p>Operators are required to notify their customers, by letter, six months before the commercial disconnection of the copper line. A joint letter has been drawn up by the operators which will include a flyer drafted by the country's NRA attached to the letter. The flyer enables the customer to find out when its copper line will be disconnected in consulting the NRA's website and explains the reasons for the change in technology and describes the benefits of a VHCN network as well as the possible technical solutions.</p> <p>A second registered letter needs to be sent six weeks before the planned commercial disconnection date if a customer still has an offer provided on the copper network. The joint text drawn up by the operators should also be used in this context as well as the flyer provided by the NRA.</p>

<p><b>Processes and Procedures</b></p>	<p>In Norway, some customers were dissatisfied with the replacement solution, particularly relating to speed and capacity issues and/or coverage issues to mobile solutions.</p> <p>The measure to resolve such problems have been to verify mobile coverage “on site” including sending out expert teams to address special challenges with regards to coverage; trying to find the optimal spot for mounting the antenna for FWA.</p>
	<p>In Slovenia, in some cases, end-users do not want to switch to fibre because they refuse any building interventions in the apartments.</p> <p>Operators are using a soft approach in such cases trying to persuade them one by one, offering them free installations and better services.</p>
	<p>In Slovenia, normally, the SMP operator keeps the service on copper active until the fibre connection is set up and all administration is arranged. As a result, the internet service is unavailable only during the time the technician is setting up the installation and modem at the customer premises</p>
<p><b>Extra Support</b></p>	<p>In Sweden, migrating older cohorts to fibre was noted as a challenge. Older cohorts who did not want to invest in a fibre connection before, have only a few options now where fibre is an expensive option. It was noted that mobile-based solutions being the only alternative may not be an easy solution when replacing assistive technology.</p>
	<p>In Norway, older cohorts preferred a fixed telephone and number which may have discouraged their Migration.</p> <p>To address this problem, dialogues with customers according to a predetermined plan has been important, including extra information to elderly customers about replacement solutions for the “plain old telephone”.</p>