



Notification to the European Commission

Price control and transparency in the Wholesale Broadband Access market

Information Notice

Reference: ComReg 12/08

Date: 13/02/2012

1 Information Notice

1. The Commission for Communications Regulation ("ComReg") notified the European Commission, in accordance with Regulation 13(3) of the European Communities (Electronic Communications Networks and Services)(Framework) Regulations 2011, ("Framework Regulations")¹ of proposed further specifications to existing price controls and proposed further specification and amendment of the transparency obligations in the Wholesale Broadband Access ('WBA') market. These proposed measures, if adopted would be imposed on the incumbent operator, Eircom Limited ("Eircom"), which has Significant Market Power ('SMP') in the WBA market².
2. The measures were notified having considered responses to Consultation Document No. 10/108 "Wholesale Broadband Access: Further consultation to Consultation Document No. 10/56 and draft decision in relation to price control and transparency". For the avoidance of doubt, the notified measures are subject to the process set out in Regulations 13 and 14 of the Framework Regulations. No final decision has yet been taken by ComReg.
3. Following consideration of responses to Consultation Document No. 10/108 and market updates since that Consultation, the notification to the European Commission sets out a revised indicative range of the minimum price floor for Eircom's monthly bitstream rental products in the WBA market³.
4. No reliance should be placed on the revised indicative minimum price floor until any final Decision is made by ComReg and the minimum price floors are in effect. It is expected that a Decision will be made by the end of Quarter 1, 2012.

¹ As per Article 7(3) of Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) as amended by Directive 2009/140/EC

² Decision D06/11 'Market Review: Wholesale Broadband Access (Market 5)' dated 8 July 2011

³ Further information is available to Authorised Operators by request to Fergal.Mulligan@ComReg.ie