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Rialáil Cumarsáide
Commission for
Communications Regulation

Assessment of a wholesale FTTH promotion notified by Eircom Limited under ComReg Decision D05/24 (WN2025-002)

Decision

Decision

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1 Introduction

- 1.1 Under ComReg Decision D05/24 (**Decision D05/24**), Eircom Limited (**Eircom**) may not apply any Discounts or Promotions in respect of FTTP-based VUA without the express prior approval of ComReg. On 20 February 2025, Eircom notified to ComReg for its prior approval, an FTTP Promotion offer (**WN2025-002**) to apply to FTTP migrations from FTTC broadband products. Clarifications on the proposed promotion were provided to ComReg on 12 March, 19 March and 24 March.
- 1.2 Section 2 below describes WN2025-002 in further detail; section 3 sets out the assessment framework for Discounts and Promotions under Decision D05/24 in terms of applicable substantive criteria and procedural requirements; section 4 sets out ComReg's assessment of WN2025-002 under each of the criteria and section 5 contains the operative part of the decision approving the promotion notified under WN2025-002.

2 Eircom's Promotion WN2025-002

- 2.1 WN2025-002 consists of a proposed promotion which would be available to all operators when they migrate an end user from FTTC to Eircom's FTTP¹ services.
- 2.2 The proposed promotion WN2025-002 has the following features:
- (i) Price Reduction: The proposed discount consists of a €2 price reduction to the existing FTTP VUA monthly rental price.
 - (ii) Eligibility: WN2025-002 is available to all wholesale customers. New connections and upgrades to Eircom FTTP from any FTTC service, will qualify for the promotion.
 - (iii) Promotion period and duration: The promotion period starts on 1 August 2025 and will be available for 8 months only, ending on 31 March 2026². Access Seekers who satisfy the eligibility requirement will then receive the discounted price for 2 years (24 instances) from the connection date of that end user to the FTTP service.
 - (iv) Exclusion: The promotion does not apply to existing FTTP customers. If an FTTP customer moves from an Access Seeker receiving the discount while on

¹ The terms "FTTH" (fibre to the home) and "FTTP" (fibre to the premises) are used interchangeably throughout this document.

² Eircom's original submission was for a duration of 6 months ending 31 January 2026. In email of 24 March 2025 Eircom proposed a duration of 8 months ending 31 March 2026.

the promotion, that Access Seeker will cease to receive the discount. Additionally, if an FTTP customer moves from one Access Seeker to a second Access Seeker during the promotion, the second Access Seeker will not qualify for the discount. The FTTC to FTTH VUA promotion excludes the FTTP 500Mbps Flexible Term and the soon to be launched FTTP 100Mbps profiles.

- 2.3 An additional exclusion is that the promotion is not available on any FTTH profiles which may already be subject to separate discounts or promotions. As of 20 May 2025 no other wholesale discounts or promotions are available for new connections to Eircom FTTP VUA and with the exception of WN2025-002 Eircom has not notified any further FTTP wholesale discounts or promotions.
- 2.4 According to Eircom's notification, WN2025-002 incentivises operators to upgrade and migrate from FTTC products to higher-capacity FTTH products and will enhance competition in the retail market for FTTH.

3 Framework

- 3.1 Under D05/24, any wholesale FTTP VUA promotion or discount proposed by Eircom is subject to case-by-case approval by ComReg. Approval will only be granted where ComReg is satisfied that the proposed discount or promotion will not have a detrimental impact on actual or potential economically efficient alternative investment in VHCN³. In particular, as set out above, ComReg will not approve a wholesale promotion or discount unless it meets the following criteria⁴:
- (i) the proposed price taking account of any Promotion or Discount remains above the Price Floor;
 - (ii) ComReg is satisfied that the Promotion or Discount does not, in form or in effect, favour Eircom's retail arm and is in practice available to a range of Access Seekers;
 - (iii) ComReg is satisfied that the Promotion or Discount is not targeted at a specific geographic area and for the avoidance of doubt, no Promotion or Discount will be approved that gives rise to a geographic differentiation of prices; and
 - (iv) ComReg is satisfied that the Promotion or Discount will not adversely affect investments by Undertakings or undermine competition.

³ Paragraph 9.557 of ComReg Decision D05/24.

⁴ ComReg Decision D05/24, Decision Instrument: Section 14.10.1–14.10.4.

- 3.2 Notification by Eircom of a proposed promotion or discount initiates a three month assessment period which may be paused where complete information has not been provided, or additional information is required, in which case it will resume on provision of the relevant information by Eircom⁵. The assessment period may also be paused where a consultation is carried out, if ComReg considers that the proposal will have a significant impact on the market within the meaning of the EEC Regulations and/or ComReg wishes to obtain inputs from stakeholders, for example, the proposal contains aspects of concern to ComReg where the impact on competition is unclear⁶. ComReg will not consult on offers that either obviously fail or pass the assessment as this is not required and would create unnecessary process.⁷
- 3.3 Given the straight-forward nature, limited scope (the promotion is limited to FTTC migrations only) and short timescale of the promotion notified in WN2025-002, which is limited to an 8-month period, ComReg determined that it did not require to obtain inputs from stakeholders in respect of its assessment of the promotion.

4 ComReg's assessment

- 4.1 ComReg is of the view that the four criteria set out in Sections 14.10.1 to 14.10.4 of the Decision Instrument in Decision D05/24 are met, as follows:

Criterion 1: FTTH prices remain above the Price Floor

- 4.2 In accordance with Criterion 1, the proposed price taking account of any Promotion or Discount remains above the Price Floor. ComReg notes that under Decision D05/24, the FTTC VUA price acts as a price floor for FTTH VUA⁸ and that from 1 July 2025, the FTTC VUA monthly rental charge will be €20.28 and will remain at this level until further notice by Eircom.
- 4.3 The €2 reduction in monthly rental price provided under WN2025-002, applied to the existing lowest-priced eligible FTTP VUA profile price of €23.50, as of 1 August 2025, results in a discounted price of €21.50, which is materially above the price floor of €20.28 based on the FTTC VUA price from 1 July 2025.

⁵ Paragraph 9.566(a) of ComReg Decision D05/24

⁶ Paragraph 9.566 (b) and (c) of ComReg Decision D05/24

⁷ Paragraph 9.565 of ComReg Decision D05/24

⁸ ComReg Decision D05/24, Decision Instrument: Section 14.6.1.

Criterion 2: The relative benefit to Eircom Retail

- 4.4 In accordance with Criterion 2, ComReg is satisfied that the Promotion or Discount does not, in form or in effect, favour Eircom's retail arm and is in practice available to a range of Access Seekers. ComReg notes that the promotion will be available to all Access Seekers who sign up or upgrade a customer from FTTC to Eircom's FTTH. ComReg has not identified any limitations which would in form or effect restrict the benefit of the promotion to Eircom's own-customer upgrades. As such ComReg is satisfied that the promotion does not, in form or effect, favour Eircom Retail due to factors such as the relative size of the Eircom Retail customer base, and/or the distribution of copper and fibre-based products in Eircom Retail's customer base. This is because the promotion applies to both migrations from an Access Seeker's existing FTTC base and also to cases where an Access Seeker acquires an FTTC based customer from another Access Seeker.

Criterion 3: Geographic pricing

- 4.5 In accordance with Criterion 3, ComReg is satisfied that the promotion is not targeted at a specific geographic area or give rise to a geographic differentiation of prices. There is nothing in the terms and conditions of WN2025-002 that is susceptible to give rise to a geographic differentiation of prices. ComReg notes in this regard that WN2025-002 is available for FTTP migrations nationally at all premises that have an active FTTC broadband service and are passed by Eircom's FTTP network.

Criterion 4: Impact on investments by alternative operators and competition

- 4.6 In accordance with Criterion 4, ComReg's assessment is that the promotion will not adversely affect investments by Undertakings or undermine competition. ComReg notes that WN2025-002, which will offer a discounted price that is above the Price Floor, does not include any volume related discounts, volume quotas/targets, or induce exclusive dealing, or any other discriminatory features. It is available to all Access Seekers on an incremental basis and does not include features with an exclusionary potential for rivals in either the retail or wholesale markets. The fact that the offer is available to all eligible FTTH profiles, including FTTH Bitstream and VUA, means that ComReg is satisfied that the discounts will not affect investment or undermine competition in the wholesale markets that are downstream from the WLA market. For example, the discounts should not alter Access Seekers' decisions to purchase an Eircom Bitstream service rather than the Eircom FTTH VUA service.

Conclusion

- 4.7 For these reasons, having assessed WN2025-002 against each of the four criteria as set out in D05/24, ComReg makes the enclosed decision, the operative part of which is set out in Chapter 5 below.

5 Decision Instrument

- 5.1 This Decision is made by the Commission for Communications Regulation:
- (i) Pursuant to and having regard to Sections 10 and 12 of the Communications Regulation Act 2002 (as amended) and Regulation 4 and Regulation 42 of the ECC Regulations;
 - (ii) Pursuant to and having regard to Regulation 104 of the ECC Regulations;
 - (iii) Pursuant to ComReg Decision D05/24 of 18 January 2024, in particular Sections 14.9, 14.10 and 14.11 of the Decision Instrument read together with paragraphs 9.497 to 9.569 of ComReg Document 24/07;
 - (iv) Having regard to Eircom's Notification WN2025-002 received on 20 February 2025;
 - (v) For the reasons set out in paragraphs 1.1 to 4.7 above.
- 5.2 All capitalised terms in this Decision Instrument have the same meaning of those terms defined in paragraphs 1.1 to 4.7 above and/or ComReg Decision D05/24.
- 5.3 ComReg hereby approves publication by Eircom, and its making available two months thereafter, of the discount offer set out in Wholesale Notification 2025-002 in the terms and under the conditions set out in Wholesale Notification 2025-002 on the basis that the Offer included in Wholesale Notification 2025-002 meets the four criteria at Section 14.10 of the Decision Instrument in ComReg Decision D05/24.
- 5.4 This approval is granted with immediate effect and shall continue for the eight-month period that the Offer is available so long as, and subject to, each of the criteria set out in Section 14.10 of the Decision Instrument in ComReg Decision D05/24 being met at all times.
- 5.5 Where and if necessary, ComReg may issue further directions to Eircom pursuant to Regulation 104 of the ECC Regulations for the purpose of ensuring that the criteria set out in ComReg Decision D05/24 are met for so long as the Offer is available.

5.6 This Decision shall be served upon Eircom Limited and published on ComReg's public website.

GARRETT BLANEY
COMMISSIONER
COMMISSION FOR COMMUNICATIONS REGULATION
ON THE 21ST DAY OF MAY 2025