



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

# **ComReg and Eircom enter into settlement agreement under section 62 of the 2023 Act**

## **Information Notice**

**Reference:** ComReg 25/85

**Version:** Final

**Date:** 5 December 2025

1. On 17 October 2025, ComReg adopted Urgent Interim Measures pursuant to section 57 of the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023 in respect of a €50 gift card promotion launched by Eircom Limited t/a Open eir and eir (“Eircom”) on 13 October 2025 and due to continue until 23 November 2025 (the “Promotion”). On 31 October 2025, ComReg opened an investigation (Case 3006) into Eircom’s compliance with obligations imposed under ComReg Decision D05/24 in relation to the Promotion. On 3 November 2025, following submissions received from Eircom, ComReg confirmed the Urgent Interim Measures pursuant to section 57(9)(b) of the 2023 Act. The Urgent Interim Measures remained in effect until 23 November 2025.
2. On 5 December 2025, ComReg agreed, pursuant to section 62 of the 2023 Act to close Case 3006 on the basis of Eircom’s acknowledgement that the Promotion, and any similar scheme relating to FTTP-based VUA products, falls within the definition of “Promotion” under section 14.9 of the Decision Instrument in Decision D05/24, and in consideration of Eircom’s undertaking not to implement any such scheme without the express prior approval of ComReg, in accordance with the requirements of section 14 of the Decision Instrument in Decision D05/24.
3. The Urgent Interim Measures adopted by ComReg in October 2025 have ensured that the Promotion did not have an adverse effect on the wholesale local access market. Eircom’s acknowledgement and undertaking now bring clarity and reassurance to the market that the rules regarding wholesale promotions and discounts will be adhered to in future.
4. The Agreement is published in full as an appendix to this Information Notice.

## **Appendix: Copy of Settlement Agreement**

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## SETTLEMENT AGREEMENT

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This agreement dated the 5th day of December 2025 is between:

- (i) **The Commission for Communications Regulation**, of One Dockland Central, Guild Street, Dublin 1, D01 E4X0 ("**ComReg**"); and
- (ii) **Eircom Limited**, having its registered Irish branch address at 2 Heuston South Quarter, St. John's Road West, Dublin 8, D08 Y42N ("**Eircom**"), and

ComReg and Eircom are together referred to in this agreement as the "**Parties**".

Whereas:

- (A) Under Comreg Decision D05/24 ("**Decision D05/24**"), Eircom was designated by ComReg as having significant market power in the Wholesale Local Access Market and as being subject to the obligations set out in that decision which are designed to address competition problems associated with such a designation.
- (B) Section 14 of the Decision Instrument at Annex 1 of Decision D05/24 places a number of obligations on Eircom in respect of Wholesale Discounts and Promotions by Eircom in respect of FTTP. In particular, Section 14.9 provides that Eircom shall not apply any Discounts or Promotions in respect of FTTP-based VUA without the express prior approval of ComReg, and requires that ComReg may not approve any such Discount or Promotion unless that four criteria specified in Section 14.10 are cumulatively met.
- (C) On 10 October 2025, ComReg was informed by a retail operator that Eircom was launching a promotion which was intended to run from 13 October 2025 to 23 November 2025, offering approximately 77,000 end-users a gift card (redeemable from Just Eat, Boots, whoopee) in the amount of €50, available via Eircom's openeir website, in the event that they registered to Eircom's FTTP network (the "**Promotion**"). The Promotion was launched without prior notification to, or the approval of, ComReg.
- (D) On 17 October 2024, ComReg determined that the Promotion represented a prima facie breach of a regulatory provision within the meaning of Section 57

of the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023 (the “**2023 Act**”) and imposed urgent interim measures on Eircom by notice in writing (the “**Urgent Interim Measures Notice**”).

- (E) Eircom implemented all the measures set out in the Urgent Interim Measures Notice and furnished ComReg with all relevant details of their implementation.
- (F) On 24 October 2025 Eircom made written submissions to ComReg in relation to the Urgent Interim Measures Notice in accordance with Section 57(8) of the 2023 Act. Having considered those submissions, the measures specified in the Urgent Interim Measures Notice were confirmed by ComReg in accordance with Section 57(9) of the 2023 Act, with such confirmation notified to Eircom in writing. Eircom has not appealed the Urgent Interim Measures Notice.
- (G) On 31 October 2025, ComReg notified Eircom that it had commenced an investigation, under Case No. 3006, into the Promotion and Eircom’s compliance with its obligations under Decision D05/24 (the “**Investigation**”).
- (H) Section 62 of the 2023 Act allows ComReg to enter into an agreement in writing with a person who it suspects, on reasonable grounds, has committed or is committing a regulatory breach in order to resolve the matter on such terms as may be specified in such an agreement.

The Parties have agreed to settle the matter on the following terms:

1. Eircom acknowledges that the Promotion, and any other similar scheme in connection with FTTP-based VUA products, falls within the definition of Promotion in section 14.9 of Decision D05/24 and, by reference, the conditions set out in Section 14.10.
2. Accordingly, Eircom undertakes not to implement any such end-user voucher schemes in respect of FTTP-based VUA without the express prior approval of ComReg (the “**Undertaking**”), which approval ComReg may grant on Eircom’s application made in accordance with Section 14.11 of Decision D05/24, where the conditions set out in Section 14.10 are met.
3. In consideration of the Undertaking, ComReg shall close the Investigation (including any outstanding documentation request) on the date of this Agreement and ComReg will not take any enforcement action (either civil or criminal) in respect of Case No. 3006.
4. ComReg will publish the agreement on its website.

5. This agreement shall be binding upon signature on behalf of all Parties thereto. It may be executed by signature of counterparts.
6. This agreement is governed by, and to be construed in accordance with, Irish law. Any dispute arising out of or in connection with, or concerning the carrying into effect of, this agreement shall be subject to the exclusive jurisdiction of the Courts of Ireland, and the Parties hereby submit to the exclusive jurisdiction of those Courts for such purposes.

Signed by (print name):



Garrett Blaney

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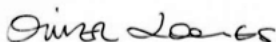
for and on behalf of ComReg

Position held: Chairperson

Date: 05 December 2025

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Signed by (print name):



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for and on behalf of Eircom

Position held: CEO

Date: 5<sup>th</sup> December 2025

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