



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Consultation

Draft Decision on Assessment of a wholesale FTTH discount scheme notified by Eircom Limited under ComReg Decision D05/24

Consultation and Draft Decision

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An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation

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

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1 Introduction

- (1) Under ComReg Decision D05/24 (**'Decision D05/24'**), Eircom Limited t/a Eir and Open eir (**'Eircom'**) may not apply any Discounts or Promotions in respect of FTTP-based VUA without the express prior approval of ComReg, which approval ComReg may grant on Eircom's application where the following four criteria are met, namely:
 - the proposed price taking account of any Promotion or Discount remains above the Price Floor;
 - 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 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
 - ComReg is satisfied that the Promotion or Discount will not adversely affect investments by Undertakings or undermine competition.
- (2) On 8 August 2025, Eircom submitted an FTTH wholesale discount scheme (**'the Notification'**) to ComReg and, following a number of queries by ComReg, provided further information on 12 September 2025, at which point ComReg considered Eircom's notification referred to as Wholesale Notification 2025-021 (**'WN2025-021'**) to be complete. Further clarifications to queries sent by ComReg on 6 October were provided by Eircom on 13 October and in follow-up correspondence on 5 November and 27 November. According to Eircom, the notified discounts are designed to *"drive FTTH connection growth, promote competition in the FTTH market and build momentum for CSO"*.
- (3) WN2025-021 is the first proposed FTTH wholesale discount scheme since Decision D05/24 where the discounted price is conditional on Access Seekers meeting certain targets. ComReg is concerned that as a result, WN2025-021 may have anti-competitive loyalty-inducing effects whereby Access Seekers will not choose a non-Eircom FTTH service available at a similar price for fear of not achieving the target set by Eircom and missing on the discount. **A consultation in respect of WN2025-021 gives stakeholders the opportunity to provide their views as to how the terms of WN2025-021 might affect their decisions to purchase FTTH VUA or invest in FTTH networks.**
- (4) WN2025-021 requires Access Seekers to achieve 15–20% higher FTTH growth on the Eircom network in the six-month eligibility period starting June 2026 than their 2025 average FTTH growth. Discounts on new FTTH connections will apply for 24

months from January 2027, with “new connections” defined as premises not previously on Eircom FTTH, including copper migrations but excluding FTTH-to-FTTH on-net transfers.

- (5) In this Consultation, ComReg sets out its assessment of WN2025-021 against the criteria set out in Decision D05/24. At this time, on the basis of the information available to it, and subject to considering submissions to the Consultation, ComReg proposes not to approve the discount scheme notified as WN2025-021. This means that Eircom would not be able to make the discount scheme available to anyone, on the basis that the criteria set out in Decision D05/24 are not met and that WN2025-021 may jeopardise existing and prospective investment by alternative operators or undermine competition.
- (6) In proposing not to approve WN2025-021, ComReg recognises that one of the objectives of WN2025-021 may be to incentivise operators to migrate their copper-based customers to FTTH which is consistent with ComReg's goal of promoting the take up of Very High-Capacity Networks. However, it is also of note that the proposed discount is not exclusively directed at FTTC to FTTH migrations: it is proposed to apply to any new connections to the Eircom FTTH network. WN2025-021 could also potentially lead to lower prices for consumers however this would depend on the degree of pass through by Access Seekers and, as discussed below, this is highly uncertain. ComReg is cognisant of the potential for target-based discount schemes to give rise to loyalty enhancing effects and have a foreclosing effect on alternative wholesale network operators, as explained in the report from Oxera which accompanies this draft Decision.
- (7) Oxera notes that arising from the conditionality of the discount, it cannot be ruled out that the growth targets included in WN2025-021 could lead Access Seekers to favour Eircom's FTTH network over alternative wholesale network operators in order to ensure that they achieve the growth target¹. This means that alternative wholesale network operators may need to offer significantly deeper discounts than Eircom's, possibly below the Price Floor, in respect of those lines that are eligible under WN2025-021. This is notwithstanding Oxera's analysis of the available data which indicates that the scheme does not, in principle, create an exclusivity requirement so that Access Seekers would not need to purchase all their FTTH connection requirements from Eircom or impose a restriction on the growth of alternative wholesale network operators.

¹ even if the alternative wholesale network provider matches the level of the discount

- (8) A further concern is that WN2025-021 envisages that Access Seekers would need to exceed their 2025 growth rate onto Eircom's FTTH network in the 6 month window from 1 June to 30 November 2026 by 15% to receive any discount, or 20% to receive the maximum discount. The scale of the accelerated growth targets set by Eircom may be challenging in a maturing market where FTTH growth rates are slowing down² and FTTH take up is already at 50%³. In particular ComReg is concerned that Access Seekers may not be in the position to achieve any growth additional to that required by Eircom's targets, driving them to a near exclusive, or exclusive reliance on, Eircom's FTTH network during the relevant period (in circumstances where Eircom already holds in excess of 66% of FTTH connections excluding NBI) leaving no opportunity for other network operators to grow their customer base and compete with Eircom.
- (9) While, as Oxera points out, other networks operators could simply reduce their prices on a line for line basis once the required reduction is above the price floor, nevertheless a further concern is the uncertainty created by these targets. It is entirely possible Eircom could achieve these loyalty inducing effects without ever actually having to offer reduced wholesale prices if the accelerated growth targets are not achieved. Eircom's network rivals on the other hand, may feel the need to react by cutting their prices thereby potentially impacting on their investment plans. Furthermore, the reduced scale of their FTTH footprints compared to Eircom's likely means that merely replicating Eircom's discounts is unlikely to be as attractive to Access Seekers. This asymmetry appears to ComReg to be problematic.
- (10) Meanwhile, any benefits to end-users are uncertain at best. It appears unlikely that Access Seekers will pass on price reductions to their retail customers, as they will not know at the time of sale whether they will succeed in securing the growth target discount or not.
- (11) By this Consultation, ComReg is seeking market participants' views on WN2025-021 and ComReg's proposal not to approve it. ComReg will consider any information or insights received before proceeding to adopt its final decision. ComReg notes that Decision D05/24 envisages that ComReg consults on offers where it considers it necessary to assess the impact of an offer where the offer does not obviously fail or obviously pass the criteria. Decision D05/24 also states ComReg's intention to undertake a case by case assessment of each offer and that any assessment of offers including volume threshold type conditions needs to consider the specific

² Based on <https://www.comreg.ie/media/2025/12/All-Data-Q3-2025.xls> Using date from sheet "5 – Broadband". Annual growth rate for FTTH is decreasing quarter by quarter. For example, in Q3 2024 the % annual growth was 124% - this has reduced each subsequent quarter to 95% at Q3 2025, with lower percentages if NBI is excluded.

³ As per Table 1 [Quarterly Key Data Report Q3 2025](#)

implications those threshold conditions might have in terms of foreclosure of rival operators. Having regard to the structure and form of WN2025-021, which includes growth targets that act as volume-based thresholds that must be met by the Access Seeker in order to qualify for the associated discount, ComReg considers that WN2025-021 could have a significant impact on the market and that it is appropriate to consult on its proposed decision not to approve.

- (12) Decision D05/24 set ComReg's assessment period for FTTH wholesale promotions and discounts to be at least three months. As explained in paragraph 9.566 of Decision D05/24, the assessment period may be paused where complete information has not been provided, or additional information is required, or for the purpose of carrying out a consultation. In respect of WN2025-021, the assessment period which commenced on 12 September 2025 when the Notification was deemed complete, was extended as queries sent by ComReg on 6 October were provided by Eircom on 13 October and in follow-up correspondence on 5 November and 27 November. The assessment period will be suspended further to allow time for the consultation process.
- (13) All responses to this Consultation should be submitted by **17:00 on Friday, 30 January 2026**. ComReg intends to inform Eircom and stakeholders of its final assessment of WN2025-021 by **27 March 2026**.
- (14) The remainder of this document describes the proposed FTTH wholesale discount scheme submitted by Eircom, ComReg's proposed assessment and the matters that ComReg is seeking inputs on as part of this Consultation. The Notification and additional information provided by Eircom are at Appendix 1. A copy of Oxera's report⁴ is at Appendix 2.

2 Eircom's Wholesale Notification

- (15) WN2025-021 consists of a FTTH wholesale discount offer which Eircom intends to publish on 1 April 2026, and to implement from 1 June 2026 with a 6-month eligibility period to 30 November 2026. WN2025-021 requires that an Access Seeker must achieve a level of FTTH growth that is at least either 15% or 20% in excess of the level of FTTH growth that the Access Seeker would have achieved over an average six-month period in 2025 to be eligible for a discount on new FTTH connections. Any new FTTH connections on the Eircom network that qualify for the discount within the

⁴ Economic assessment of Wholesale Notification 2025-021: Consultation Report, hereafter, referred to as the 'Oxera Report'.

six-month window will have the discount applied for a period of 24 months commencing in January 2027.

(16) For the purposes of WN2025-021, Eircom has defined new connections as any FTTH service provisioned on Eircom's network where the premises were not previously on Eircom FTTH. This includes copper to Eircom FTTH migrations but excludes Eircom FTTH to Eircom FTTH transfers (i.e., same premises with Eircom FTTH switching between Access Seekers).

(17) WN2025-021 comprises of two parts: Part A and Part B.

- Part A targets FTTH connection growth and applies to both FTTC/copper to FTTH migrations and to all new FTTH connections, apart from the FTTH VUA 100MB or FTTH VUA 500MB Flexible Term products. Under the terms of WN2025-021 an Access Seeker can achieve the following target-based discounts on the FTTH VUA monthly rental charge:

% FTTH Growth Target	Part A Discount	Part B Discount	Total Discount
15%	€1.50	€0.50	€2.00
20%	€2.00	€0.50	€2.50

- The Part A target is based on the FTTH growth the Access Seeker achieves on its Eircom FTTH base over the six-month period of WN2025-021 compared to the total FTTH base growth on the Eircom network it achieved in 2025 divided by two (i.e. a 6-month average). So, if the Access Seeker achieved a total FTTH base growth of 2,000 connections in 2025 on the Eircom network, its target to achieve the 20% discount would be $2,000 / 2 * 1.2 = 1,200$.
- All Eircom FTTH connections, including on-net FTTH-to-FTTH transfers from other wholesale customers, are counted when determining both the base and growth figures for Part A. However, only new FTTH connections (active copper to Eircom FTTH or new to Eircom FTTH) qualify for the Part A discount, i.e., on-net FTTH-to-FTTH transfers from other wholesale customers do not qualify for a discount. So, following the above example if the 20% target is achieved with FTTH growth of 1,200 but 200 of these connections were on-net FTTH-to-FTTH transfers the Access Seeker would under Part A receive €2 discount for 24 months on 1,000 connections.

- Part B of WN2025-021 is an additional discount of €0.50 from the FTTH VUA monthly rental charge and applies to any lines qualifying under Part A that are also migrations from FTTC/copper based broadband products. The Access Seeker must achieve the Part A target to be eligible for the additional Part B discount. As the Part A and Part B discounts run together, qualifying FTTC/copper to FTTH migrations can have an aggregate discount of €2.50 for the period of 24 months if the Access Seeker achieves the 20% target or €2.00 if the Access Seeker achieves the 15% target.
 - WN2025-021 is available to all Access Seekers, including Eircom Retail. The fact that WN2025-021 includes specified FTTH growth targets means that Eircom will need to provide all Access Seekers with their base FTTH growth figure for 2025 in advance of the promotional period to allow them to prepare and plan to meet the growth targets for June through November 2026.
 - Credits to Access Seekers will only be made once Eircom has confirmed the target is achieved. The promotional period runs from 1 June 2026 to 30 November 2026, and no credits are made during this period. In December 2026, once the promotional period has ended, Eircom will undertake an assessment to determine which Access Seekers have achieved the specified growth targets. For those that qualify, credits will be calculated and applied from January 2027. For eligible accounts, these credits will run for 24 months.
 - If the end user changes their FTTH profile after the discount has started to be applied, the promotional discount on that line will end. Additionally, if the end user switches to a different Access Seeker before the 24-month discount period concludes, the promotional discount on that line ends. After the 24-month period ends, wholesale prices for all FTTH lines revert to their normal levels.
- (18) Based on its assessment under each of the criteria set out in Decision D05/24 and having considered advice from Oxera, ComReg proposes not to approve WN2025-021, for the reasons detailed below.

3 ComReg's assessment

Framework

- (19) Under ComReg Decision 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 VHCN⁵. In particular, ComReg will not approve a wholesale promotion or discount unless it meets the following criteria⁶:

- the proposed price taking account of any Promotion or Discount remains above the Price Floor;
- 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 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
- ComReg is satisfied that the Promotion or Discount will not adversely affect investments by Undertakings or undermine competition.

(20) ComReg's assessment of WN2025-021 based on the framework as set out in ComReg Decision D05/24 is set out below.

Criterion 1: FTTH prices remain above the Price Floor

(21) The first criterion that must be satisfied is:

The proposed price taking account of any Promotion or Discount remains above the Price Floor.

(22) Under Decision D05/24 the FTTC VUA price acts as a price floor for FTTH VUA.⁷ The FTTC VUA monthly rental charge is currently set at €20.28. At present, the price of the cheapest FTTH VUA wholesale products that are eligible for the discount is €23.50. The maximum discount per line across Part A and Part B of WN2025-021 in combination is €2.50 per month. Therefore, the price of the cheapest FTTH VUA wholesale product eligible for the discount, after application of the maximum discount, would be €21.00, which would remain above the Price Floor for FTTH VUA products.

(23) During the course of the market review period, Eircom may increase the FTTC VUA price annually using a CPI-0 formula. "CPI" refers to the Consumer Price Index at the end of the last calendar year. This index measures the rate of inflation and is sourced from the Central Statistics Office (CSO).

⁵ Para 9.557 of ComReg Decision D05/24.

⁶ ComReg Decision D05/24, Decision Instrument: Section 14.10.1–14.10.4.

⁷ ComReg Decision D05/24, Decision Instrument: Section 14.6.1.

- (24) Therefore, the FTTC VUA price, and thus the Price Floor, may increase over time. Eircom has explicitly recognised that, if it were to choose to exercise this flexibility, it would not be able to increase the FTTC VUA price above €21.00 while WN2025-021 discounts are applied, as this would breach criterion 1 and therefore Eircom's regulatory obligations⁸.
- (25) Consequently, while the proposed FTTH VUA prices taking account of WN2025-021 discounts remains above the Price Floor at the existing FTTC VUA price, it is also the case that should Eircom increase FTTC VUA price above €21.00 while the WN2025-021 discounts are applied, Eircom may need to adjust the FTTH VUA undiscounted list price for some profiles to ensure that FTTH VUA prices including the discount are above the Price Floor.
- (26) On this basis, ComReg finds that at this time, FTTH VUA prices taking account of the WN2025-021 discounts remain above the Price Floor. Therefore, ComReg is satisfied that the first criterion is met subject to Eircom ensuring that the discounted FTTH VUA prices remain at all times above the Price Floor, including, where necessary, by increasing the undiscounted FTTH VUA list prices when increasing the FTTC VUA price.

Criterion 2: The relative benefit to Eircom Retail

- (27) The second criterion that must be satisfied is:

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.

- (28) There are two distinct elements to this criterion: (i) whether the discount is available to a range of Access Seekers; and (ii) whether the discount favours Eircom's retail arm.

(i) Whether the discount is available to a range of Access Seekers

- (29) Regarding the first element, there do not appear to be any grounds for concern that the discount would not be available in practice to a range of Access Seekers, for the following reasons:

⁸ See section 6 of the compliance statement (pages 9 - 10): "If there were to be any CPI increase to the FTTC VUA and FTTH 100MB VUA prices in July 2026, then eir recognises that these prices could not go above €21.00."

- (30) First, the growth target is set as a percentage increase rather than as an absolute increase in volume of lines. This design ensures that the Access Seekers that supply a smaller volume of lines would be required to meet a growth target that is proportional to their smaller scale. This, in principle, means smaller access seekers would be similarly positioned to meet the growth target as larger access seekers, which might not be the case were the growth target to be specified as an absolute volume of lines.
- (31) Second, the scheme applies to all FTTH profiles except for two excluded products which account for a limited number of lines, and is available for VUA and Bitstream. This means that Access Seekers who may have a preferred type of access and/or may focus on providing retail services with certain speeds can benefit from the discount.

(ii) whether the discount favour Eircom Retail

- (32) There do not appear to be any grounds for concern that the discount would favour Eircom's retail arm, for the following reasons.
- (33) ComReg notes that all FTTC/copper to FTTH migrations would be eligible for the discount scheme, including the cases where an Access Seeker wins an FTTC or copper customer from a rival Access Seeker and in the process upgrades this customer to FTTH on the Eircom network. This implies that an Access Seeker could obtain the same discount per line irrespective of whether they upgrade their own customer from FTTC/copper to FTTH or win a customer from a rival Access Seeker and in so doing upgrades it from FTTC/copper to FTTH. As such, the scale of an Access Seeker's own FTTC and copper customer base would not confer an advantage (or disadvantage) relative to other Access Seekers.
- (34) Additionally, given all the FTTC/copper to FTTH migrations (onto the Eircom network) would count towards the growth target and would be eligible for the discount, no Access Seeker would have a cost advantage (that stems from the discount scheme) over its own FTTC and copper customer base relative to other Access Seekers. This means that WN2025-021 does not incentivise Access Seekers, including Eircom Retail, to focus on upgrading their own customer base and could compete for all FTTC/copper to FTTH migrations on the merits. On this basis, the concerns that were highlighted with WN2024-010⁹, in relation to there being a dampening of retail

⁹ [ComReg Decision D20/24](#) Assessment of a wholesale FTTH discount scheme notified by Eircom Limited under ComReg Decision D05/24 (WN2024-010)

competition and to Eircom Retail being advantaged as a result of its larger copper and FTTH customer base, do not arise in relation to WN2025-021.

- (35) Therefore, on the basis that the discount is available to a range of Access Seekers and given that there are no grounds for concern that the discount favours Eircom's retail arm, ComReg is satisfied that the second criterion is met.

Criterion 3: Geographic pricing

- (36) The third criterion that must be satisfied is:

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.

- (37) Eircom states that WN2025-021 makes no distinction between specific geographic areas and there is no geographic price differentiation¹⁰. The Oxera Report also concludes that WN2025-021 does not contain any conditions or provisions which would be expected to give rise to the Discount applying in effect to a specific geographic area. Thus, there is no reason to expect that WN2025-021 itself would lead to geographically differentiated prices¹¹.
- (38) ComReg finds that WN2025-021 is not targeted at a specific geographic area and agrees with Oxera that there is no reason to expect that it would lead to geographically differentiated prices. Therefore, ComReg is satisfied that the third criterion is met.

Criterion 4: Impact on investments by alternative operators and competition

- (39) The fourth criterion that must be satisfied is:

ComReg is satisfied that the Promotion or Discount will not adversely affect investments by Undertakings or undermine competition.

- (40) Given the conditional nature of WN2025-021, where discounts will be available to Access Seekers only if they grow their number of FTTH connections on Eircom's FTTH network by at least 15% as compared to the reference period, ComReg is concerned that WN2025-021 may have a negative impact on investments by

¹⁰ Eircom compliance statement, p.10

¹¹ The Oxera Report, para 1.17

alternative network operators and will undermine their ability to compete effectively. In particular WN2025-021 may incentivise Access Seekers to prioritise Eircom as their wholesale supplier for new FTTH connections and FTTC to FTTH migrations to maximise the likelihood of meeting both the minimum and higher accelerated growth targets, adversely affecting investments in FTTH networks and undermining competition between FTTH networks.

- (41) WN2025-021 does not provide Access Seekers with a 'back-to-zero' or fully retroactive rebates as the discount would apply for 24 months to 'eligible lines' that are purchased by Access Seekers within the eligibility window only. However, the requirement to meet the accelerated growth targets could mean in practice that Access Seekers have an incentive to use Eircom exclusively or almost exclusively as their wholesale supplier, for fear of otherwise failing to meet the required accelerated growth target and thereby risking the level of the discount that is available on FTTH lines taken with Eircom. In other words, using non-Eircom FTTH services during the 6-month eligibility window of WN2025-021 may jeopardise an Access Seeker's ability to achieve either the 15% or 20% accelerated growth targets and benefit from the Eircom FTTH discount. The structure of the proposed scheme means that an Access Seeker would receive either (i) no discount on any lines if it does not meet the minimum 15% growth target or (ii) a €1.50 discount on all eligible lines if it at least meets the 15% growth target or (iii) a €2.00 discount on all eligible lines if it meets or exceeds the 20% growth target. As such, WN2025-021 includes retroactive features which create a 'cliff-edge' effect that may incentivise the Access Seekers to transfer some FTTH demand from a non-Eircom FTTH network to the Eircom FTTH network during the eligibility window.
- (42) This will particularly be the case if the prospect of an Access Seeker achieving the accelerated growth targets set in WN2025-021 – an additional 15%/20% growth in its FTTH base in a six month period (i.e. on top of the six-month average growth in its FTTH base in 2025) – is close to what is commercially feasible, in which case WN2005-021 would work in effect as an implicit exclusivity requirement as regards new FTTH connections. Whether this is a material risk depends in part on the number of lines an Access Seeker requires to achieve the target, relative to the overall scale of lines that would be eligible for contributing to the growth target. For instance, if meeting the minimum target requires supplying all new lines (which include migrations from FTTC/copper to FTTH) over Eircom's FTTH network, exclusivity concerns could arise.
- (43) The analysis conducted by Oxera for ComReg considers factors such as the impact of network overlaps on Access Seekers choice of network operator and also suggests that the number of lines needed to meet the growth target is small relative to the total number of existing FTTH customers.

- (44) However, these factors are not sufficient to conclude that WN2025-021 would have no impact on alternative network investment and competition. This is because, as explained by Oxera in its Report, the **location** of the customers that would be connected to FTTH on the Eircom network (and the location of the alternative wholesale network operator's network) matters for the assessment.
- (45) In particular where the alternative wholesale network operator's FTTH footprint covers only **a sub-set** of the **specific lines** that Access Seekers move onto the Eircom FTTH network during the eligibility period to meet the growth target, then matching the level of the discount alone would not be enough to encourage the Access Seeker to take **any** of **those** lines with the alternative network operator. Given this uncertainty over the precise locations of any non-Eircom Access Seeker customers that would in practice be connected to Eircom FTTH during the eligibility window, WN2025-021 through the design of the accelerated growth target may have loyalty-enhancing effects susceptible to undermine alternative investments and competition.
- (46) In this regard, attracting Access Seekers away from Eircom may require not only that alternative network operators reduce their prices on a line for line basis subject to no condition, but that the discounts are deeper than Eircom's to compensate for a potential loss of discounts on the Eircom lines that Access Seekers may have no choice but to obtain from Eircom given that Eircom's footprint extends beyond any other network operator's. Even if network operators are successful in attracting Access Seekers in those circumstances this would be at the expense of their revenues while their success may mean that Access Seekers have not reached their targets and Eircom continues to charge non-discounted prices.
- (47) Of further concern in this regard is the indication from the QKDR in Q3 2025 that the annual growth rate for FTTH is decreasing quarter by quarter. For example, the FTTH growth rate on Eircom's network in the first nine months of 2025 is only 71% of the growth rate in the first nine months of 2024. The equivalent figure on the SIRO network is 82%. This could signal that the level of FTTH additions each year has peaked, which might align with the fact that significant parts of Eircom's and SIRO's FTTH networks are now well established and Access Seekers will have previously migrated much of their customer base from copper/FTTC to FTTH as FTTH became available on these networks.
- (48) Another factor to consider is that Eircom is currently offering an FTTC to FTTH discount (WN2025-002) with the aim of incentivising Access Seekers to increase FTTC to FTTH migrations over the 8 months from 1 August 2025 to 31 March 2026. This may mean that the residual base of FTTC customers after the WN2025-002 discount scheme closes may be less amenable to migration during the 6-month

window of WN2025-021, especially if a significant subset of those customers are content with their FTTC service and see little to be gained from switching to FTTH.

- (49) Consequently, given the level of uncertainty around how FTTH deployments in the coming months will impact network overlap between Eircom and rival FTTH networks and the implications this and other factors might have for FTTH uptake during the 6 month period of the WN2025-021 window, ComReg's preliminary view is that there is a risk that the WN2025-021 will foreclose competitive alternative network operators with the result that the fourth criterion is not met with respect to the impact on wholesale competition. For this reason, ComReg at this stage is not satisfied that WN2025-021 will not adversely affect investments by Undertakings or undermine competition so that Criterion 4 is not met.

Conclusion

- (50) For these reasons, having assessed WN2025-021 against each of the four criteria from the framework as set out in Decision D05/24, ComReg proposes not to approve WN2025-021. The operative part of this draft decision is set out in Section 4 below. This is subject to consultation including further inputs as further described in Section 5.

4 Draft Decision Instrument

1. This Decision is made by the Commission for Communications Regulation:
 - 1.1. 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;
 - 1.2. Pursuant to and having regard to Regulation 104 of the ECC Regulations;
 - 1.3. 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;
 - 1.4. Having regard to Eircom's Notification WN2025-021 received on 8 August 2025 and completed on 12 September 2025 at which point ComReg considered Eircom's notification to be complete;

- 1.5. Having sought information from Eircom on 6 October 2025 and received it in parts on 13 October, 5 November and 27 November 2025;
- 1.6. Having regard to the further information provided by [Respondents to Consultation,] in response to the public consultation held between [19 December 2025 and 30 January 2026] further to paragraph 9.566 of ComReg 24/07 and pursuant to Regulation 101 of the ECC Regulations;
- 1.7. For the reasons set out in paragraphs (1) to (50) above.
2. All capitalised terms in this Draft Decision Instrument have the same meaning of those terms defined in paragraphs (1) to (50) above or in ComReg Decision D05/24.
3. On the basis that ComReg is not satisfied pursuant to Section 14.10.4 of the Decision Instrument in ComReg Decision D05/24, that the scheme notified under Wholesale Notification 2025-021 will not adversely affect investments by Undertakings or undermine competition, the scheme notified under Wholesale Notification 2025-021 is not approved and Eircom may not publish or make available at any time the discount offer set out in Wholesale Notification 2025-021.
4. This Decision applies with immediate effect.
5. This Decision shall be served upon Eircom Limited and published on ComReg's public website.

[NAME]
COMMISSIONER
COMMISSION FOR COMMUNICATIONS REGULATION
ON THE ... DAY OF ... 202X

5 Consultation

- (51) On the basis of the assessment of WN2025-021 against each of the 4 criteria from the framework as set out in Decision D05/24 ComReg proposes to make the finding that criterion 4 has not been met and therefore not to approve WN2025-021 in the terms set out in the Draft Decision Instrument above. However, given that ComReg's assessment depends on a number of assumptions, further inputs are sought from

stakeholders by means of Consultation as set out below, prior to ComReg finalising its decision.

(52) In particular, ComReg wishes to consider Respondent's views as to the extent that non-Eircom Access Seekers can meet the growth targets that WN2025-021 stipulates for FTTH lines on Eircom's network without having to restrict their purchases of FTTH VUA from rival network operators.

(53) Respondents are invited to make submissions in respect of the reasonableness and completeness of the assumptions underpinning Oxera's and ComReg's evaluation of WN2025-021, including the following matters:

- Any factors that would impede an Access Seeker's ability to meet the growth target, including on the extent to which an Access Seeker would be able to connect new customers to Eircom FTTH within the 6-month eligibility window;
- Access Seeker's willingness to undertake off-net FTTH to FTTH conversions when acquiring an existing FTTH customer;
- Network operators' business plans, including planned growth on the network, which could be used to assess potential network overlap and whether there is a risk that the alternative network would need to offer significant discounts to achieve the required number of lines in their business plans.
- The potential for the migration of copper and FTTC customers to Eircom FTTH to be a factor in an Access Seeker's ability to meet the growth target volume of lines (given that these lines attract a higher discount);
- When accounting for all types of lines eligible for the discount this increases the probability that non-eircom Access Seekers are able to meet the growth targets without impeding alternative wholesale network operators;
- The extent that operator's FTTH footprints would overlap with the eligible base as of May 2026;
- If the level of new FTTH connections during the eligibility window is constrained by factors other than the availability of FTTH;
- The impact on the overall business case of alternative network operators if, in the extreme, they are unable to compete with the lines that non-Eircom access seekers would need to take with Eircom to achieve the growth targets, given this is a very small share of their overall network footprint.

- The potential for the WN2025-021 discount, should ComReg ultimately decide to approve it, to lead to lower retail broadband prices for end-users.

(54) ComReg will take all submissions received into consideration with the view to finalising its position and this may, if appropriate, revise its preliminary view that WN2025-021 does not satisfy criterion 4.

(55) As part of any submissions, Respondents are requested to:

- Provide all relevant factual (data) or other evidence supporting the response;
- Ensure responses contain paragraph numbers and where relevant cross refer to the paragraph numbers in the Consultation document;
- Provide a confidential response with any confidential elements clearly marked using the following format: [⌘ relevant text deemed to be confidential ⌘] and identify why they consider that the relevant text is confidential;
- Provide a non-confidential version of their response which may be published by ComReg, subject to the provisions of ComReg's guidelines on the treatment of confidential information (ComReg Document 05/24). Similarly, any correspondence received by ComReg from Stakeholders in the course of the consultation process may also be published; and
- Provide a copy of submissions in an unprotected electronic format in order to facilitate publication by ComReg.

(56) This is a non-confidential version of the Consultation. Certain information within the Consultation has been redacted for reasons of confidentiality, with such redactions indicated by the symbol "⌘". Should a stakeholder wish to review its own redacted information, it should make a request by email to wholesalepricing@comreg.ie and indicate, where relevant, the specific paragraph numbers within which the redacted information being requested is contained. ComReg will consider requests for redacted information and will, subject to the protection of confidential information, respond accordingly.

(57) All responses should be sent by email to wholesalepricing@comreg.ie to arrive on or before **1700 on Friday, 30 January 2026**. Responses received after this date may not be considered.

(58) ComReg will inform Eircom and stakeholders of its final assessment of WN2025-021 on or before **Friday 27 March 2026** following consideration of any submissions received during the 30-Day Consultation Period.

Annex 1: Correspondence

- A 1.1 Eircom compliance statement (25/93b)
- A 1.2 Eircom price list – clean (25/93c)
- A 1.3 Eircom price list – tracked (25/93d)
- A 1.4 Response to queries received from Eircom 12 September 2025 (25/93e)
- A 1.5 Response to additional queries received from Eircom 13 October 2025 (25/93f)

Non-Confidential

Annex 2: Oxera report

A 2.1 The Oxera report (25/93a)

Non-Confidential