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Rialáil Cumarsáide
Commission for
Communications Regulation

Decision

Assessment of wholesale FTTP promotion
WN2026-016 notified by Eircom under
ComReg Decision D05/24

Decision

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1 Introduction

- 1.1 Under ComReg Decision D05/24 (**Decision D05/24**)¹, Eircom Limited (**Eircom**) may not apply any Discounts or Promotions in respect of FTTP-based VUA without the express prior approval of ComReg. On 31 March 2026, Eircom notified to ComReg for its prior approval, an FTTP Promotion offer (**WN2026-016**) to apply to any new or existing FTTP customer upgrading to 1, 2 and 5 Gbps.
- 1.2 Section 2 below describes WN2026-016 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 WN2026-016 under each of the criteria and section 5 contains the operative part of the decision approving the promotion notified under WN2026-016.

2 Eircom's Promotion WN2026-016

- 2.1 WN2026-016 consists of a proposed promotion which would be available to all operators ('Access Seeker') that purchase wholesale inputs from Eircom when they either connect a new customer or upgrade an existing customer to Eircom's FTTP service at 1, 2 and 5 Gbps, including from 1 to 2 Gbps, and 1 or 2 Gbps to 5 Gbps.
- 2.2 The promotion notified as WN2026-016 has the following features:
- (i) Price Reduction: The proposed discount consists of a €3.50 price reduction to the existing FTTP VUA monthly rental price.
 - (ii) Eligibility: WN2026-016 is available to all wholesale customers for new connections and upgrades to Eircom FTTP 1/2/5 Gbps. This includes:
 - a. any upgrade to 1, 2 and 5 Gbps, including from 1 to 2 Gbps, and 1 or 2 Gbps to 5Gbps
 - b. any new FTTP connections at 1, 2 and 5 Gbps.
 - (iii) Promotion Period and duration: The promotion period starts on 01 September 2026² and will be available for 8 months, ending on 30 June 2027. Access Seekers who satisfy the eligibility requirement will then

¹ Market Reviews Wholesale Local Access (WLA) provided at a fixed location Wholesale Central Access (WCA) provided at a fixed location for mass-market products, [ComReg Decision D05/24, ComReg Document Number 24/07](#)

² Eircom is required under Decision D05/24 to give Access Seekers a two-month advance notice period following ComReg's approval prior to making the discount available. As ComReg has now completed its assessment of WN2026-016, Eircom may give two months' notice to Access Seekers that the 8-month promotion period will start in advance of 1 September 2026.

receive the discounted price for 24 months from the connection date of that end-user.

- (iv) Exclusion: The promotion does not apply to existing FTTP customers that do not upgrade to 1, 2 or 5 Gbps. If an end-user moves from the Access Seeker receiving the discount while on the promotion, that Access Seeker will cease to receive the discount. Additionally, if a 1, 2 or 5 Gbps end user moves from one Access Seeker to a second Access Seeker during the promotion period, the second Access Seeker will not qualify for the discount.

2.3 According to Eircom's notification, WN2026-016 is designed to incentivise Access Seekers to increase take-up of 1, 2 and 5 Gbps speed profiles, from Access Seekers upgrading existing lower speed FTTH services on Eircom's network and for new FTTH additions including upgrades of FTTC services.

3 Framework

3.1 Under 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 is consistent with the promotion of network competition and encouraging investment, in particular that existing and prospective investment by alternative operators is not jeopardised, and that it does not unduly favour Eircom's own retail arm. In this regard, Decision D05/24 set out a framework for the assessment consisting of four criteria, which are to be met before ComReg approves any proposed wholesale promotions or discounts on Eircom's FTTP VUA services.

3.2 In particular, as set out in Decision D05/24, ComReg will not approve a wholesale promotion or discount unless it cumulatively meets the following four criteria set out in Section 14.10 of the Decision Instrument in D05/24:

- (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.

3.3 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 Eircom³. 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 Regulations⁴ 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 unclear⁵. ComReg Decision D05/24 also confirmed that ComReg will not consult on offers that either obviously fail or pass the assessment as this is not required and would create an unnecessary process⁶.

3.4 Given the nature and timescale of the promotion notified in WN2026-016, which is limited to an 8-month period, ComReg has determined that a consultation in respect of the assessment of this promotion is not required. ComReg also determined that its assessment of WN2026-016 would not require the three-month period provided for under Decision D05/24 and that its assessment would be completed on or before 25 May 2026.

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: FTTP 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 FTTP VUA⁷ and that from 01 July 2026, the FTTC VUA monthly rental charge will be €20.85 and will remain at this level until further notice by Eircom.

4.3 The €3.50 reduction in monthly rental price provided under WN2026-016, applied to the existing lowest-priced eligible FTTP VUA profile price of €28.50, results in a

³ Paragraph 9.566(a) of ComReg Decision D05/24

⁴ European Union (Electronic Communications Code) Regulations 2022, SI No. 444 of 2022 (the 'ECC Regulations').

⁵ Paragraph 9.566 (b) and (c) of ComReg Decision D05/24

⁶ Paragraph 9.565 of ComReg Decision D05/24

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

discounted price of €25.00, which is materially above the price floor of €20.85 based on the FTTC VUA price applicable from 01 July 2026.

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 to Eircom's 1, 2 or 5 Gbps FTTH services, without limitation, so that it does not, in form or effect, favour Eircom Retail. In particular, the size of the Eircom Retail customer base, and/or the distribution of copper or lower speed fibre-based products in the Eircom Retail customer base, is not susceptible to influence the promotion's availability to Access Seekers.

Criterion 3: Geographic Pricing

- 4.5 In accordance with Criterion 3, *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*. There is nothing in the terms and conditions of WN2026-016 that is susceptible to give rise to a geographic differentiation of prices. ComReg notes that WN2026-016 is available for FTTP 1, 2 and 5 Gbps upgrades and any new connections at 1, 2 and 5 Gbps nationally at all premises that 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 is satisfied that the Promotion or Discount will not adversely affect investments by Undertakings or undermine competition*. ComReg notes that WN2026-016, which will offer a discounted price that is above the Price Floor, does not include any volume related discount and is not dependent on an Access Seeker attaining volume quotas/targets or induce exclusive dealing or any other discriminatory features. Accordingly, the discount is available to all Access Seekers on an incremental basis, which means that an Access Seeker's use of an alternative wholesale network operator's FTTH will not reduce its chance of obtaining the discount on eligible lines with Eircom. Therefore, ComReg is of the view that WN2026-016 does not include features with an exclusionary potential for competitors in either the retail or wholesale markets and criterion 4 is satisfied.

Monitoring

- 4.7 For the reasons stated above, ComReg is satisfied that WN2026-016 meets each of the four criteria and can accordingly be approved under the terms set out in Section 5 below.
- 4.8 ComReg notes that WN2026-016 follows on from a number of wholesale promotional discounts launched by Eircom in succession and this makes it particularly important that ComReg is in the position to assure itself that WN2026-016's market impact is consistent with its ex-ante assessment. ComReg's monitoring in this regard can be greatly facilitated by Eircom making available, on a monthly basis from the month of publication of the Offer, throughout the whole duration of the Offer and for two months after the end of the Offer, the Eircode of the premises connecting or upgrading to Eircom FTTP 1Gbps, FTTP 2Gps or FTTP 5Gbps, together with the name of the retail service provider at the relevant premise as well as, in the case of upgrades on Eircom FTTP or migrations from FTTC, the name of the previous service provider, to be provided each month to ComReg within 10 days of the end of the month. This is a requirement which ComReg may make under Regulation 99(1)(a) of the ECC Regulations as well as Regulation 105 (1) and (2) of the ECC Regulations.

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 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;
 - (iii) Having regard to Eircom's Notification WN2026-016 received on 31 March 2016;
 - (iv) Pursuant to and having regard to Regulation 99 and Regulation 105 of the ECC Regulations;
 - (v) Pursuant to and having regard to Regulation 104 of the ECC Regulations;
 - (vi) For the reasons set out in paragraphs 1.1 to 4.8 above.
- 5.2 Unless otherwise defined in the within Decision, all capitalised terms have the same meaning as in ComReg Decision D05/24.
- 5.3 ComReg hereby approves publication by Eircom, and its making available two

months thereafter, of the Offer set out in Wholesale Notification 2026-016.

- 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 For the purpose of facilitating monitoring by ComReg that the conditions set out in Section 14.10 of ComReg Decision D05/24 are met for all the period that the Offer is available, Eircom shall within 10 days from the end of the month in which the Offer set out in Wholesale Notification 2026-016 is published, and every month thereafter, and for the two months following the end of the Offer, submit to ComReg within 10 days of the end of the month, the following information:
- (a) The Eircode of the premises which have been connected or upgraded to Eircom FTTP 1Gbps, FTTP 2Gbps or FTTP 5Gbps in that month; and
 - (b) For each such premise:
 - (i) the name of the retail service provider; and
 - (ii) in respect of upgrades on Eircom FTTP or migrations from FTTC, the name of the previous retail service provider.
- 5.6 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.
- 5.7 This Decision shall be served upon Eircom Limited and published on ComReg's public website.

ROBERT MOURIK
COMMISSIONER
COMMISSION FOR COMMUNICATIONS REGULATION
ON THE 22ND DAY OF MAY 2026