



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Response to Consultation & Final Decision

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

Decision and Response to Consultation

Reference: ComReg 26/22
Decision No: D04/26
Version: Final
Date: 27/03/2026

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Non-Confidential

1 Introduction

- (1) Under ComReg Decision D05/24 (**'Decision D05/24'**),¹ 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:
 - a) the proposed price taking account of any Promotion or Discount remains above the Price Floor;
 - b) 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;
 - c) 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
 - d) 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. Under WN2025-021, the discounted price is conditional on Access Seekers achieving a 15–20% higher FTTH growth on the Eircom network during a six-month eligibility period starting June 2026, than their 2025 average FTTH growth. Discounts on new FTTH connections would 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. 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) On 19 December 2025 ComReg published its draft decision for consultation in Consultation 25/93 (**'Consultation 25/93'**)² accompanied by a report prepared by Oxera entitled "*Economic Assessment of Wholesale Notification 2025-021*:"

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 24/07, 18 January 2024.

² [Consultation 25/93](#)

Consultation Report" dated 16 December 2025 ('the **Oxera Report**').³ In Consultation 25/93, ComReg proposed not to approve the discount scheme notified as WN2025-021. WN2025-021 is the first notified FTTH wholesale discount scheme since Decision D05/24 where the discounted price is conditional on Access Seekers meeting certain targets. Consultation 25/93 gave 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 in circumstances where ComReg was concerned that WN2025-021 may have anti-competitive loyalty-inducing effects on the basis that Access Seekers would 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.

- (4) The consultation closed on 30 January 2026. Submissions to Consultation 25/93 were received from the following 8 respondents ('**Respondent(s)**')
- a) Eircom;
 - b) SIRO;
 - c) Virgin Media Ireland ('VMI');
 - d) Sky;
 - e) Vodafone;
 - f) Pure Telecom;
 - g) Speed Fibre Group; and
 - h) ALTO.
- (5) With the exception of Eircom's and to a lesser extent, Pure Telecom's, Respondents' submissions supported the concerns and position set out in Consultation 25/93.
- (6) **Having considered all of the submissions received to the consultation, Oxera's analysis as set out in its Report and confirmed in Oxera's supplemental report of 23 March 2026⁴, ComReg's decision is not to approve the discount scheme notified as WN2025-021. This means that Eircom may not publish and make the discount scheme available to anyone.**
- (7) In deciding not to approve WN2025-021, ComReg recognises that one of the stated objectives of WN2025-021 was to incentivise operators to migrate their copper-based

³ [Oxera Report](#)

⁴ Following a review of the submissions to the consultation Oxera prepared a supplemental report entitled "*Economic Assessment of Wholesale Notification 2025-021 – Decision Report*" dated 23 March 2026 ('the **Oxera Supplemental Report**') – see Annex 4.

customers to FTTH and this is an objective that is consistent with ComReg's goal of promoting the take up of Very High-Capacity Networks.

(8) ComReg, however, is not satisfied that this will not be at the expense of fair competition between Eircom and other network operators including in particular, SIRO and Virgin Media. Arising from the conditional nature of the discounts in WN2025-021, which are dependent on Access Seekers achieving growth targets for FTTH connections on the Eircom FTTH network, ComReg has serious concerns that WN2025-021 would give rise to loyalty enhancing effects and have a foreclosing effect on alternative wholesale network operators. As set out in detail in this decision, ComReg is not satisfied that WN2025-021 would not adversely affect investments by alternative network operators and not undermine competition and concludes that Criterion 4 is not met. Key concerns include, in summary, the following:

- Arising from the conditionality of the discount, 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 target.⁵ This means that alternative wholesale network operators may need to offer significantly deeper discounts than Eircom's⁶, possibly below the Price Floor, in respect of those lines that are eligible under WN2025-021.
- Submissions to consultation confirm that the scale of the accelerated growth targets set by Eircom – 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 – will be challenging in a market where FTTH growth rates are slowing down⁷ and FTTH take up is already above 50%.⁸ 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 period⁹ (in circumstances where Eircom already holds in excess of 66%

⁵ Oxera Supplemental Report, para 1.13

⁶ Oxera Supplemental Report, para 1.14-1.15, 2.21, 2.44, 2.47

⁷ 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.

⁸ As per Table 1 [Quarterly Key Data Report Q3 2025](#)

⁹ Oxera Supplemental Report, para 2.18

of FTTH connections excluding NBI¹⁰) limiting the opportunity for other network operators to grow their customer base and compete with Eircom.

- The uncertainty attached to the discounts gives rise to an asymmetry in the competitive position of Eircom and Access Seekers. It is entirely possible Eircom could achieve 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 have no choice but 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.
 - 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.
- (9) A number of respondents made suggestions proposing modifications that could be made to the scheme to address their concerns including to make the scheme a gradual discount model. ComReg notes, however, that the notification and approval process for wholesale discount schemes under Decision D05/24 is limited to an assessment based on the terms and conditions as presented by Eircom. It is not ComReg's role to propose or consider modifications to those terms.
- (10) The remainder of this document describes the proposed FTTH wholesale discount scheme submitted by Eircom and sets out ComReg's assessment and final Decision. The Notification and additional information provided by Eircom are at Annex 1. A copy of Oxera's report is at Annex 3 and the Supplemental Oxera report is at Annex 4. The submissions can be found at Annex 5.

2 Eircom's Wholesale Notification

- (11) WN2025-021 consists of an FTTH wholesale discount offer which would be published on 1 April 2026, and implemented from 1 June 2026 with a 6-month eligibility period to 30 November 2026. Under WN2025-021 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

¹⁰ As per [Quarterly Key Data Report Q3 2025](#)

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

- (12) For the purposes of WN2025-021, Eircom 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).
- (13) 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.
- (14) Eircom has confirmed that the discount would be applicable to the individual operators that are served by an aggregator.

3 ComReg's assessment

Framework

- (15) ComReg Decision D05/24 relaxed the absolute ban that had pre-existed under ComReg Decision D11/18 and allowed, upon notification by Eircom and subject to ComReg's prior approval, wholesale FTTP VUA promotions or discounts where ComReg is satisfied that the notified promotion or discount will not have a detrimental impact on competition and on actual or potential economically efficient alternative

investment in VHCN.¹¹ In particular, ComReg Decision D05/24 subjects the approval of any promotion or discount to four criteria which need to be met cumulatively, namely:¹²

- 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.

(16) In its submission to consultation, Eircom submitted that ComReg's overall approach in Consultation 25/93, underpinning its conclusion that Criterion 4 was not met, was procedurally flawed. In particular, according to Eircom, ComReg would have "*misdirected itself as to the required assessment required (sic) under Criterion 4.*" Eircom submits that "*the evidence does not support ComReg's assertion that the promotion could adversely impact investments or competition.*" This would be a "*material error on the merits*" and ComReg's conclusion inconsistent with "*the legal standard in Decision D05/24, the principle of proportionality under Article 3 of the Code, the evidentiary record available for Oxera and ComReg's own consultation.*"¹³ Rather than providing and engaging with the necessary economic evidence, ComReg would have instead based its preliminary decision "*on hypothetical risks and unsubstantiated "what-if" propositions*"¹⁴ and failed to explain how the evidence relied on in the consultation, such as data on a slowing FTTH growth trend and a declining FTTC line base, supported a finding that criterion 4 is not met.¹⁵

(17) Eircom's submissions as regards the evidence relevant to the assessment under Criterion 4 are addressed in detail below, from paragraph (43). For now, ComReg notes that given the ex-ante nature of the assessment, ComReg can only engage with reasoned hypothetical scenarios to evaluate potential outcomes and risk before they materialise and further, that Eircom appears to misunderstand the "*legal*

¹¹ Para 9.557 of ComReg Decision D05/24.

¹² ComReg Decision D05/24, Decision Instrument: Section 14.10.1–14.10.4.

¹³ Eircom Response, paragraph 20.

¹⁴ Eircom Response, paragraph 5.

¹⁵ Eircom Response, paragraph 28.

standard in Decision D05/24" as regards ComReg's review of wholesale discounts and promotions notified by Eircom.

- (18) Decision D05/24 has relaxed the ban on wholesale discounts and promotions only to the extent that Eircom will be permitted to offer a wholesale discount or promotion regarding FTTH where ComReg is satisfied that a notified wholesale discount or promotion will not distort competition in the wholesale local access market. In Decision D05/24, ComReg made clear that while it was of the view that the prohibition on wholesale discounts and promotions for FTTH should be relaxed, it was also conscious of the competitive concerns which arise with their use given Eircom's SMP position and for this reason, ComReg subjected any wholesale discount or promotion for FTTH to its prior approval in order that ComReg could check, before any such discount or promotion is introduced, that they it will not enable foreclosure strategies.¹⁶ ComReg further explained that a case by case assessment of proposals from Eircom related to wholesale promotions and discounts, against a set of principles, would allow ComReg to ensure that any wholesale promotions and discounts will not work contrary to its key objectives including promoting competition and encouraging investment.¹⁷
- (19) Accordingly, a requirement was imposed on Eircom prior to introducing any wholesale discounts or promotions in respect of FTTH, to obtain ComReg's prior approval, which is only to be granted where ComReg is satisfied, on the basis of the information provided by Eircom, that the promotions or discounts, individually and in aggregate, will not have a material impact on economically efficient alternative investment by Network Operators that are either investing or planning to invest in VHCNs.¹⁸ Of particular relevance to the assessment of WN2025-021 are the concerns noted in Decision D05/24 as regards conditional wholesale discounts and promotions and ComReg's position that "*ComReg will pay particular attention to ensuring that promotions and discounts are only permitted when it is clear that they do not prevent new investment by alternative operators or undermine competition through conditional or loyalty enhancing offers that would undermine an efficient operator's incentive invest and to compete. Specifically, wholesale offers including discounts or rebates tied to terms or conditions that are likely to unfairly inhibit off-net migration by RSPs would not be permissible.*"¹⁹
- (20) Against this background, as noted above, the assessment framework set out in Decision D05/24 requires that four criteria are met, and this means under Criterion 4,

¹⁶ Decision D05/24, ComReg 25/07, para 9.503, p. 568.

¹⁷ Decision D05/24, ComReg 25/07, para 9.516, p. 572.

¹⁸ Decision D05/24, ComReg 25/07, para 9.517, p. 572.

¹⁹ Decision D05/24, ComReg 25/07, para 9.521, p. 573; see also para 9.557, p. 583.

that “ComReg is satisfied that the Promotion or Discount will not adversely affect investments by Undertakings or undermine competition.” It is not the case as Eircom appears to suggest, that a wholesale discount or promotion is to be approved unless ComReg establishes that it will have an adverse impact on investment or undermine competition or that “ComReg should only block wholesale promotions where evidence shows actions by open eir would lead to adverse and undue market outcomes.”²⁰ This is not the test, which is rather: no wholesale discount or promotion should be approved unless ComReg is satisfied that it will not adversely affect investment or undermine competition. Where ComReg is not so satisfied, and has reasonable doubts, that the wholesale promotion or discount may adversely affect investment or undermine competition, including where the information and evidence available to ComReg provided by Eircom is insufficient to remove any such doubts, then under the framework set out in Decision D05/24, ComReg should not approve.²¹

- (21) 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

- (22) The first criterion that must be satisfied is:

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

- (23) Under Decision D05/24 the FTTC VUA price acts as a price floor for FTTH VUA.²² 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

²⁰ Eircom Response, paragraph 91.

²¹ In its submission, Eircom suggests that ComReg's consultation on its draft decision was based on insufficient information and the fact that ComReg asked questions of Altnets and Access Seekers to provide data and views, while allowing to fill in this deficit, “raises the question of the correct consultation procedure” (Eircom Response, para. 22). According to Eircom, the proper course would be for ComReg to conduct a further consultation once it has obtained the necessary data but given that there is no time to do so, “where the analysis provided in this response raises any substantive doubt about ComReg's preliminary position and where stakeholder submissions do not unequivocally support that position, the scheme should be approved in the interests of competition and consumers” (Eircom Response, para. 23). This is clearly incorrect having regard to the test set out in Decision D05/24.

²² ComReg Decision D05/24, Decision Instrument: Section 14.6.1.

discount, would be €21.00, which would remain above the Price Floor for FTTH VUA products.

- (24) 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). Therefore, the FTTC VUA price, and thus the Price Floor, may increase over time.
- (25) 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 obligations.²³
- (26) ComReg notes that while under separate notification received on 27 February 2026, [REDACTED]. However, should Eircom increase FTTC VUA price above €21.00 were the WN2025-021 discounts approved and 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.
- (27) On this basis, ComReg finds that at this time, FTTH VUA prices taking account of the WN2025-021 discounts remain above the Price Floor. No respondents to Consultation 25/93 raised concerns about the prices not remaining above the Price Floor. 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

- (28) The second criterion that must be met is:

²³ 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."

²⁴ [REDACTED]

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.

(29) 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

(30) Regarding the first element, ComReg has found no grounds for concern that the discount would not be available in practice to a range of Access Seekers, for the following reasons:

(31) 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.

(32) 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

(33) ComReg also found no grounds for concern that the discount would favour Eircom's retail arm, for the following reasons.

(34) 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. ComReg in this regard does not agree with Vodafone that the fact that Eircom Retail does not purchase FTTH

from Virgin Media or SIRO would make it easier for it to qualify for the discount²⁵ or “the scheme is weighted against providers that have already made the investment and operational effort to migrate their customer bases to FTTH”²⁶. ComReg also does not see, as suggested by VMI and Sky, that Eircom Retail’s larger copper/FTTC customer base relative to other Access Seekers, would provide it with an advantage relative to those Access Seekers.

- (35) To qualify for the discount Eircom Retail must exceed the average number of FTTP additions it achieved in the prior year when it would also have limited its FTTH purchases to Eircom’s and NBI’s networks. Indeed, as Pure Telecom suggest, RSPs that maintain a multi-network strategy have the option to plan retail activity to prioritise Eircom FTTH during the offer window in a way that makes achievement of the discount thresholds more viable.²⁷
- (36) 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. The fact that Access Seekers can qualify for the discount when upgrading a rival Access Seeker’s FTTC customer means that any advantage that Eircom Retail might derive from the relative size of its copper base would arise from other factors such as customer loyalty rather than the specific terms of the discount scheme.
- (37) 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 WN2024-010²⁸, in relation to there being a dampening of retail 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.
- (38) Similarly, ComReg does not believe that WN2025-021 would act as a “mechanism [that] serves only to distort competition at the retail layer without imposing any equivalent risk on Eircom itself”,²⁹ as Vodafone suggests, because the close alignment between Eircom Retail and Eircom Wholesale would insulate Eircom group

²⁵ Vodafone response, page 4.

²⁶ Vodafone response, page 4.

²⁷ See Pure Telecom response, paragraph 1.

²⁸ [ComReg Decision D20/24](#), Assessment of a wholesale FTTH discount scheme notified by Eircom Limited under ComReg Decision D05/24 (WN2024-010). ComReg 24/69, 29 August 2024.

²⁹ Vodafone response, page 3.

from the financial uncertainty faced by non-Eircom Access Seekers, as Eircom Retail's payments for Eircom FTTH are internal transfers within the Eircom group. This would be in contrast to Access Seekers, such as Vodafone, that face the risk of higher outpayments to Eircom if they fail to attain the discount. It does not appear to ComReg that the close alignment of the retail and wholesale functions within the Eircom group is a matter that is specific to the assessment of WN2025-021 and is addressed through Eircom's retail margin squeeze test obligations under Decision D05/24. However, the terms of the discount scheme will also have less impact on Eircom's behaviour at the retail level compared to other Access Seekers that adopt a multi-network strategy as Eircom Retail always use Eircom FTTH in the Commercial Area.

- (39) ComReg accordingly finds that the second criterion is met on the basis that the discount is available to a range of Access Seekers and does not include terms and conditions the effect of which would be to favour Eircom's retail arm.

Criterion 3: Geographic pricing

- (40) 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.

- (41) Eircom outlined in the Notification that WN2025-021 makes no distinction between specific geographic areas and there is no geographic price differentiation³⁰ and Oxera has not identified in WN2025-021 any conditions or provisions which would be expected to give rise to the Discount applying in effect to a specific geographic area.³¹ Nor did any respondents to Consultation 25/93 raise concerns that the scheme is targeted at a specific geographic area.
- (42) Having considered WN2025-021, ComReg finds that no term and condition or other provision such that WN2025-021 would be 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. ComReg accordingly is satisfied that the third criterion is met.

³⁰ Eircom compliance statement, p.10.

³¹ The Oxera Report, para 1.17, as confirmed in Oxera Supplemental Report, para 2.43.

Criterion 4: Impact on investments by alternative operators and competition

(43) 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.

- (44) 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, means that WN2025-021 may have a negative impact on investments by alternative network operators and 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.
- (45) It is of note that 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.
- (46) Hence, 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. In its submission, SIRO agreed with ComReg's assessment that the uncertainty of obtaining the discount can itself "*distort Access Seekers' purchasing behaviour and rival responses*" and was of the view that Access Seekers will shift demand to Eircom FTTH under uncertainty to secure the discounts.

- (47) ComReg notes that 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 WN2025-021 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 arise. SIRO, while observing that "*the FTTH market has grown by a steady amount for many quarters*", considers that any increased base growth on Eircom FTTH "*can only materially come at the expense of growth on alternative networks*"³².
- (48) In addition, 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. However, this does not mean 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.³³
- (49) 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.³⁴ The 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 bolsters the loyalty-enhancing effects susceptible to undermine alternative investments and competition arising with the design of the accelerated growth target.
- (50) 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

³² SIRO Response, paragraph 5.1.2.

³³ Oxera Supplemental Report, Section 2.1.2.

³⁴ Oxera Supplemental Report, para 2.25.

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.

- (51) Of further concern 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%³⁵. 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.

FTTH Growth

- (52) While Eircom acknowledged in its submission that the rate of growth in the FTTH market has slowed in 2025, compared to previous years, for Eircom the mechanics of the promotion adequately take account of this slow down, as the targets in H2-2026 are now calibrated against the 2025 base that is [redacted] lower than the 2025 level of additions that Eircom projected when it planned the discount scheme.^{36,37} However, this is insufficient to address ComReg's concern in respect of the declining trend in FTTH growth. As VMI's response makes clear, in a rapidly growing market with a growth rate above 20%, attaining Eircom's growth targets may not be of particular concern as the growth could be shared between operators without the RSP fearing that it might lose the discount from Eircom if it places orders with alternative network operators. However, this is not the case if the growth trend is significantly below 20%.³⁸ In fact, some Access Seekers may struggle to counter the declining trend to even match the level of prior year FTTH additions.

³⁵ Quarterly Key Data Report 25/86

³⁶ Eircom Response, paragraph 43.

³⁷ Eircom's assertion that ComReg relied on Eircom's projections of FTTH growth when forming its preliminary view not to approve the scheme is incorrect. Even by Q2 2025 it was clear that the projections for FTTH growth contained in Eircom's original submission were overstated and ComReg did not rely on them to arrive at its view.

³⁸ VMI Response, p. 10-11

Table 3.1: FTTP Broadband Subscriber Lines

Quarters	Net Additions		Monthly Average		% Change in Monthly Averages from 2024 to 2025	
	Eir Retail	Vodafone	Eir Retail	Vodafone	Eir Retail	Vodafone
2023 Q4	-	-				
2024 Q1	16,236	9,476				
2024 Q2	17,961	15,556				
2024 Q3	17,616	15,248	5,599	4,399		
2024 Q4	15,371	12,508				
2025 Q1	10,269	8,744				
2025 Q2	15,264	9,944	4,465	3,123	-20%	-29%
2025 Q3	14,650	9,416				

Source: Quarterly Key Data Report 25/86

(53) Contrary to Eircom's contention that "*Retail FTTP growth continues to be robust*",³⁹ a pattern of declining growth is evident for a number of Access seekers. For instance, as per Table 3.1, the QKDR data shows that Vodafone's FTTH line base had increased by an average of 3.1K lines per month in the first 9 months of 2025 to reach a total of 281K FTTH lines in 2025 Q3. This is almost 30% lower than the average monthly FTTH additions of 4.4K that Vodafone recorded in 2024. Were this downward trend to continue, Vodafone would have to increase the expected level of additions by over 60% to attain a 15% growth threshold based on prior year additions. Similarly, Eircom Retail's average monthly FTTH growth in 2025 was 20% lower than its 2024 monthly average. It is accordingly not the case, as Eircom suggests, that the "*15% threshold represents a modest uplift relative to historic growth performance*" or that "*the 15% lower bound threshold is attainable through normal competitive effort*"⁴⁰. May be, as Eircom says, that targets "*must be stretching but attainable to create meaningful incentives*"⁴¹ and that a 15% target above average prior year additions is attainable in a market where FTTH additions are growing or even stable.

³⁹ Eircom Response, paragraph 67.

⁴⁰ Eircom Response, paragraphs 78 to 79.

⁴¹ Eircom Response, paragraph 76.

This is not the case when Access Seekers are experiencing declining growth trends.⁴²

- (54) Among the submissions to consultation, Pure Telecom's was an outlier, with the view that the percentage thresholds are "*challenging but commercially achievable*" and did not anticipate that participation in the scheme would reduce or distort their use of an alternative FTTH network.⁴³ Other operators shared ComReg's concerns. In SIRO's view, the slowing FTTH growth rates in 2025 versus 2024 on both Eircom and SIRO networks, which SIRO categorises as being consistent with "*late majority*" adoption dynamics, mean that there is a risk Access Seekers may prioritise Eircom for marginal lines (including in overlap areas) to maximise the chance of qualifying for the discount.⁴⁴ VMI also refers to the fact that FTTH market growth in Ireland is slowing, projecting it to fall towards 5% on an annualised basis during the offer window, with the result that RSPs may struggle to meet the thresholds unless they concentrate orders with Eircom.⁴⁵ Sky's assessment is similar to SIRO's and VMI's. Sky considers that, for an Access Seeker to have a chance of meeting the target, they would have to make active decisions and choose Eircom's FTTH network over other available networks.⁴⁶
- (55) Vodafone goes further by concluding that the requirement for Access Seekers to exceed their average 6-month FTTH growth on the Eircom network in 2025 by 15% to 20% within a 6-month window in the second half of 2026, "*reflects a level of acceleration that is not achievable in practice*". Vodafone even calls into question the effectiveness of the scheme as a genuine wholesale incentive mechanism, stating that meeting the target would require a substantial diversion of activity away from other suppliers with no certainty that access seeker will achieve the target and qualify for the discount.⁴⁷
- (56) These concerns are only exacerbated by the current Eircom FTTC to FTTH discount (WN2025-002) which seeks to incentivise Access Seekers to increase FTTC to FTTH migrations over the 8 months from 1 August 2025 to 31 March 2026. Following the promotion, 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

⁴² Further analysis on the challenges Access Seekers with a slowing FTTH growth trend could face when attempting to attain the growth targets on Eircom's FTTP network and the risks this poses for demand on other FTTP networks can be found in Annex 2.

⁴³ Pure Telecom Response, paragraph 1.

⁴⁴ SIRO Response, paragraph 5.1.3.

⁴⁵ VMI Response, p. 6.

⁴⁶ Sky Response, p. 1.

⁴⁷ Vodafone response, pp. 2 to 3.

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.

FTTC to FTTH

- (57) As noted in the Oxera Report, there may be, in principle, a significant number of residual FTTC lines that could be ungraded to Eircom FTTH remaining after the WN2025-021 growth target was met but whether this is the case is conditional on the extent to which Access Seekers would be able to feasibly meet and exceed the growth targets during the offer window.⁴⁸ According to Eircom's submissions, Oxera's analysis would demonstrate that Access Seekers can meet their entire growth target solely through FTTC to FTTH migrations without needing to draw on any lines in areas that are overlapped today.⁴⁹ Eircom's estimate is that approximately [X■■■X] active FTTC lines in the non-overlap areas will be passed by Eircom FTTH in H2-2026 and Eircom's position is that Access Seekers can readily attain the 20% target during the offer window by migrating [X■■■X] of these active FTTC lines to Eircom FTTH in non-overlap areas, leaving alternative network operator's FTTC to FTTH conversion potential in overlap areas unaffected.⁵⁰
- (58) However, in its supplemental report, Oxera notes that Eircom's analysis fails to acknowledge the condition that Access Seekers must be able to feasibly meet and exceed the growth targets during the offer window and therefore mischaracterises Oxera's analysis as being unconditionally supportive of Eircom's position that alternative wholesale network operators have significant scope to compete. Furthermore, after considering all responses to the consultation and having undertaken further analysis of the growth target requirements against historic data on the growth in FTTH lines evident in the QKDR data, Oxera concludes that there is unlikely to be significant headroom above the growth targets in practice, and that, therefore, the proposed scheme could have the effect of an implicit exclusivity requirement.⁵¹
- (59) ComReg's own assessment of recent data shows that, while it may be the case that there will still be a significant base of active FTTC lines that could, in theory, be converted to Eircom FTTH during the offer window, the available data on the rate of FTTC to Eircom FTTH migrations give grounds for concluding that Access Seekers would only achieve a fraction of the number of conversions necessary to achieve the full target. As noted above Eircom introduced a wholesale discount offer (WN2025-002) in 2025 that was designed to provide incentives for Access Seekers to migrate

⁴⁸ Oxera Supplemental Report, para 2.22.

⁴⁹ Eircom Response, paragraphs 29 to 37.

⁵⁰ Eircom Response, paragraph 56.

⁵¹ Oxera Supplemental Report, para 2.4.

from FTTC to FTTH. The FTTC to FTTH migration data that Eircom has provided to ComReg in relation to WN2025-002 show that a total of only [redacted] such migrations were carried out by Access Seekers other than Eircom Retail during the first six months of this offer (August 2025 to January 2026). Furthermore, this total includes FTTC to Eircom FTTH migrations in both overlap and non-overlap areas.

- (60) For Eircom's hypothesis on the viability of meeting the targets solely through FTTC to FTTH migrations in non-overlap areas to hold, the non-Eircom Access Seekers would need to achieve a rate of FTTC to Eircom FTTH migration in the non-overlap areas that could be 5 times the rate that they achieved recently nationally during an active discount scheme, do so when there is no guarantee as to what discount, if any, they will ultimately receive, from a significantly reduced FTTC base, and from the pool of the FTTC customers who are susceptible to be incentivised by discounts to move, that has been depleted by the previous discount scheme.
- (61) When all these factors are considered, the scenario that Access Seekers can readily meet the 20% target solely through FTTC to FTTH migrations in non-overlap areas is not the realistic scenario that Eircom suggests.

Relevance of Eircom's "Wholesale Client Base"

- (62) To support its claim that the discount will not adversely affect investments or undermine competition, Eircom in its submissions provides an analysis of what its position is likely to be in H2-2026 on the wholesale market based on what it terms the 'wholesale client base.' Eircom defines the 'wholesale client base' as the FTTH base when Eircom Retail demand, VMI Retail demand and all demand on the NBI network are excluded. Eircom then estimates how the FTTH additions associated with this 'wholesale client base' will be shared between the commercial area operators, Eircom, SIRO and VMI. According to Eircom, its position in this wholesale market is weakening "*against the backdrop of continued strong market growth from Siro and VMI*⁵²".
- (63) ComReg can see some logic in excluding NBI's base given its limited overlap with the commercial deployments by Eircom and the alternative network operators. However, the exclusion of the Eircom Retail and VMI Retail demand will ignore potential market dynamics that can have a material impact on the levels of FTTH demand relevant to the business cases for Eircom, VMI and SIRO network investments. For example, any additions that are secured by Eircom Retail can mean less demand on the VMI FTTH or SIRO FTTH networks due to Eircom's policy of restricting Eircom Retail's use to the Eircom network in the Commercial Area. Hence,

⁵² Eircom Response, paragraph 51

when Eircom Retail secures a customer that is currently served by a rival RSP on either the SIRO or VMI networks, it will inevitably migrate that customer to Eircom's FTTH network, thereby strengthening Eircom's ability to get a return on its FTTH investment at the expense of the alternative network operators.

- (64) Eircom's framing of the market in terms of a 'wholesale client base' that excludes Eircom Retail and VMI Retail can also mischaracterise "*the actual structure and competitive dynamics of the FTTH market*"⁵³ in other ways. For example, under Eircom's analysis, "*the Altnet's share of new additions is rising year on year, while open eir's is correspondingly falling*",⁵⁴ suggesting that any fall in demand for Eircom Wholesale is matched by a corresponding gain for a rival alternative network operator. However, it is often the case that Eircom Wholesale will lose a customer because a customer that was with a non-Eircom RSP using Eircom FTTH is secured by Eircom Retail. Every time that Eircom Retail wins such a customer from a rival Access Seeker on Eircom's FTTH network it will reduce the level of new additions recorded by Eircom Wholesale without leading to a corresponding increase in the new additions recorded on the rival alternative network operator's networks.
- (65) From a network competition perspective, the migration of an Eircom FTTH customer from a non-Eircom Access seeker to Eircom Retail is neutral in terms of demand on Eircom's network yet Eircom's analysis classifies such an outcome as being detrimental to Eircom while resulting in a benefit to alternative network operators.
- (66) Eircom's exclusion of VMI Retail from its analysis gives rise to similar issues. Some of the additions that VMI has recorded in the wholesale market are as a result of Access Seekers securing existing cable or VMI FTTH customers from VMI Retail and serving those customers using a VMI Wholesale FTTH service. Eircom's analysis will classify such migrations on VMI's networks as additions for VMI Wholesale, which provide Eircom with further evidence that it is losing market share in the wholesale market even though the overall levels of demand on Eircom's and VMI's networks are unaffected by VMI Retail's loss of these customers.
- (67) Eircom's exclusion of Eircom Retail and VMI Retail from its analysis of the overall wholesale market leads to a distorted view of Eircom's recent performance relative to that of the Altnets with Eircom asserting "*that SIRO and VMI consistently outperformed open eir in wholesale FTTH additions*".⁵⁵ ComReg considers that a better understanding of each operator's relative performance is achieved when all

⁵³ Eircom Response, paragraph 26.

⁵⁴ Eircom Response, paragraph 54.

⁵⁵ Eircom Response, paragraph 52.

users of each operator's network are included in the analysis. The following table compares how Eircom, SIRO and VMI have performed in terms of total FTTH additions across all Access Seekers using the QKDR data for Q3-2024 and Q3-2025.

Table 3.2: Network FTTP Active Subscriber Lines (VMI, SIRO, EIR)

Network FTTP Active Subscriber Lines	2024 Q3	2025 Q3	Net Annual Adds	Growth
Eircom	480,724	558,870	78,146	16%
SIRO	191,225	212,129	20,904	11%
Virgin Media	45,796	86,447	40,651	89%
Total	717,745	857,446	139,701	19%

Source: Quarterly Key Data Report Q3 2025, ComReg 25/86

- (68) When comparing Eircom's performance with SIRO's, Eircom claims that "while there has been a slowdown in the growth of open eir through 2025, SIRO has maintained growth" and considers that SIRO reaching 212K FTTH lines in Q3 2025 reflects steady and sustained year-on-year growth⁵⁶. Yet, the QKDR data shows that, while SIRO achieved an 11% increase in its FTTH base from Q3 2024 (191K) to Q3 2025 (212K), Eircom's FTTH base recorded a larger increase as it grew by 16% from 481K to 559K over the same period⁵⁷. Yet Eircom interprets this data to mean that SIRO has "continued to grow steadily" while arguing that, even if Access Seekers were to fully achieve the 20% discount targets, it "may only, at best compensate for the loss that open eir is experiencing to SIRO and VMI wholesale".⁵⁸ This is clearly not the case, given for example, that Eircom captured 56% of total growth in the period (78,146 as a percentage of 139,701).
- (69) As regards the comparison with VMI, the fact that VMI's FTTH base, including its retail and wholesale customers, is growing faster than both Eircom's and SIRO's is to be expected: VMI's more recent deployment of FTTH means that it is starting from a very low base. However, Eircom's analysis has significantly over-estimated the extent that VMI's wholesale base has grown in 2025. Eircom estimates that VMI's wholesale base grew by circa [redacted]. In contrast, Liberty Global's Q4 2025 Report shows VMI 'Wholesale Broadband Net Adds' totalling circa 20K for the four quarters in 2025⁵⁹. Consequently, Eircom's analysis significantly overestimates the

⁵⁶ Eircom Response, paragraph 53.

⁵⁷ Even if Eircom Retail's demand is excluded as per Eircom's analysis in Table 3, Eircom Wholesale's FTTH growth [redacted] still outperforms SIRO's growth (11%) in this period.

⁵⁸ Eircom Response, paragraph 74, iv.

⁵⁹ [Liberty-Global-Q4-2025-Investor-Presentation1.pdf](#), p. 6.

headroom available for all Access Seekers to meet the WN2025-021 growth threshold targets without constraining their use of alternative FTTH networks.

- (70) Eircom states that it has based its estimates of VMI's wholesale volumes in Table 2 of its response on the Liberty Global Q2 & Q3 reports and ComReg is aware that these reports do not contain the detail on wholesale additions evident in the Liberty Global Q4 2025 Report. Nonetheless, it is notable that, despite the growth in VMI's wholesale base in 2025, Liberty Global's presentation for Q3 2025 identifies that VMI continues to experience fixed broadband net losses "*driven by persistent on-net competition in the market causing elevated churn.*"⁶⁰ This statement is consistent with VMI Retail losing broadband customers to other Access Seekers, some of which are renting a wholesale FTTH service on VMI's network and highlights the relevance of considering growth at the aggregate level rather than just focusing on growth associated with the wholesale client base.
- (71) In addition to overestimating VMI's wholesale performance in 2025, there are also grounds for considering that Eircom's forecast of what the level of demand in the wholesale market will be in H2-2026 is also overstated. When making the case that there is significant headroom available to alternative network operators in terms of available residual lines even after the full growth discount is taken into account, Eircom makes the assumption that its estimate of wholesale volumes for Q1-Q3 2025 will apply in H2-2026.⁶¹ Yet Eircom's description of stable FTTH growth as a conservative assumption does not align with the general slowdown in FTTH growth that has become evident in 2025.
- (72) When consideration is given to both the fact that the level of additions to VMI's wholesale base in 2025 is materially lower than Eircom's estimate and the possibility that the slowdown in the rate of growth evident in 2025 might continue into 2026 such that the total number of FTTH additions to be shared between operators in H2-2026 will be smaller than the average recorded for 2025, there is a real concern that the headroom available to alternative network operators in H2-2026 might be significantly less than the level Eircom has estimated.

Conclusion

- (73) For the reasons set out above, ComReg is not satisfied that WN2025-021 will not adversely affect investment or undermine competition. Contrary to Eircom's claim in

⁶⁰ [Liberty-Global-Q3-2025-Investor-Presentation1.pdf](#), p.6.

⁶¹ Eircom Response, paragraph 63.

its submission, ComReg's position does not "deprive consumers of price benefits."⁶² The significant uncertainty attached to Access Seekers' ability to meet the growth targets under WN2025-021 as outlined above makes pass-through of the discounts to end-users unlikely so that any discounts obtained will more likely be treated as ex post margin improvement rather than ex ante retail pricing input.⁶³

- (74) Eircom suggested in its submissions that "if ComReg genuinely concludes that a small, above-the-regulated-price-floor, nationwide, non-geographically-targeted discount scheme from open eir is capable of undermining FTTH investment, then ... this would represent a significant departure from the market conditions that underpinned Decision D04/24 (sic)", namely a "market structure [that] was capable of supporting multiple competing networks within open eir footprints", and such a departure would mean that a market review is necessary.⁶⁴
- (75) The premise for those submissions is, however, incomplete in a fundamental way: as will be clear from this decision, it is the structure of the promotion and the uncertainty that it creates against a background of slowing growth that underpin ComReg's conclusions. ComReg's position in this decision follows from the concerns outlined in Decision D05/24 and is based on the evidence before it. It bears noting that contrary to what Eircom appears to believe,⁶⁵ it is not in the same position as those alternative network operators such as SIRO and Virgin Media who do not, contrary to Eircom, enjoy a position of significant market power nationwide.
- (76) Having assessed WN2025-021 against each of the four criteria from the framework as set out in Decision D05/24, and having considered the submissions received to Consultation 25/93, ComReg has decided not to approve WN2025-021 on the basis that ComReg is not satisfied that WN2025-021 will not adversely affect investment or undermine competition.
- (77) The operative part of this decision is set out in Section 4 below.

⁶² Eircom Response, paragraph 73.

⁶³ SIRO Response, paragraph 5.10.3.

⁶⁴ Eircom Response, paragraph 24.

⁶⁵ See Eircom Response, paragraphs 83.

4 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;
 - 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 in response to ComReg Consultation 25/93, a 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 (77) above.
2. All capitalised terms in this Decision Instrument have the same meaning of those terms defined in paragraphs (1) to (73) 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.

GARRETT BLANEY
COMMISSIONER
COMMISSION FOR COMMUNICATIONS REGULATION
ON THE 27TH DAY OF MARCH 2026

Non-Confidential

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: Relevance of FTTH Growth Trends

1. To provide further context on the implications of a declining FTTH growth trend on an Access Seeker's ability to attain the growth thresholds and the possibility that this could require demand to be diverted to Eircom FTTH from alternative network operators excluding NBI ('**Altnets**'), ComReg is providing an assessment of what the slowing FTTH growth trends evident in the publicly available 2024 and 2025 QKDR data could mean for a discount scheme that requires Access Seekers to exceed their level of average prior year additions by a percentage target. To achieve a discount under WN2025-021, Access Seeker have to grow additions on Eircom FTTH by 15% to 20% in the second half of the current year (which is considered to be 2025 in this analysis) over the six-month average level of additions attained in the prior year (2024 in this analysis).

Annex Table 1: Calculation of 15% target on Baseline based on Net Adds in 2024

Network FTTH Active Subscriber Lines	2023 Q4	2024 Q4	Net Annual Adds 2024	Baseline	15% Target
Eircom	402,570	503,198	100,628	50,314	57,861
SIRO	173,169	197,405	24,236	-	-
Virgin Media	24,866	55,159	30,293	-	-
Total	600,605	755,762	155,157	-	-

Source: Quarterly Key Data Report Q3 2025, ComReg 25/86

2. Eircom's FTTH base reached 503K in Q4-2024, which was an increase of 101K on its Q4-2023 base. Consequently, the 6-month average increase across 2024 is just over 50K meaning that fully qualifying for the 15% target would require Access Seekers (in aggregate) to attain approx. 58K additions in the following year 6-month window, and attaining the 20% target would mean aggregate FTTH additions of approx. 60K.

Attainability of thresholds

3. A number of respondents have commented on the negative implications for WN2025-021 due to the slowing FTTH growth trend that is evident in the 2024 and 2025 data. Vodafone notes that FTTH growth has been slowing quarter on quarter as the percentage of customers already on FTTH increases and observe that: "These

*dynamics reduce the pool of customers that can be readily migrated and limit the ability of providers to deliver incremental growth*⁶⁶.

4. The latest data available during the consultation period was for Q3-2025 QKDR and this showed FTTH additions on Eircom's network of 39.8K for the 6 months covered by Q2-2025 and Q3-2025, which is 26% lower than the 6-month average for 2024. Hence, Access Seekers would have to achieve an average 45% increase on actual current year demand to attain the 15% threshold above the prior year average and the 20% target would be equivalent to an increase of 52% on current year actuals.

Annex Table 2: Comparison of 15% Target (based on 2024 data) and Actuals of Q2-Q3 2025

Network FTTH Active Subscriber Lines	2025 Q1	2025 Q3	Net Adds Q1-3 2025	15% Target	Var with 2025
Eircom	519,087	558,870	39,783	57,861	45%
SIRO	202,584	212,129	9,545	-	-
Virgin Media	66,173	86,447	20,274	-	-
Total	787,844	857,446	69,602	-	-

Source: Quarterly Key Data Report Q3 2025, ComReg 25/86

5. When the analysis is updated to include the Q4-2025 data, Eircom's FTTH additions in Q3-2024 and Q4-2025 are lower again at 36.2K. This means that for all Access Seekers to fully attain the 15% threshold would be equivalent to an average 60% increase on the H2-2025 actuals while attaining the 20% target would be equivalent to a 67% increase on H2-2025 actuals. As this analysis shows, despite Eircom's assertion that the mechanics of the percentage growth targets actually make it easier for an Access Seeker to meet the thresholds in a slowing market, achieving the lower 15% target can still be problematic for Access Seekers when the general rate of growth in the market is slowing to the extent that it has been in 2025.

⁶⁶ Vodafone Response, page 3.

Annex Table 3: Comparison of 15% Target (based on 2024 data) and Actuals of Q3-Q4 2025

Network FTTH Active Subscriber Lines	2025 Q2	2025 Q4	Net Adds Q2-4 2025	15% Target	Var with 2025
Eircom	541,342	577,511	36,169	57,861	60%
SIRO	207,032	217,305	10,273	-	-
Virgin Media	75,536	96,366	20,830	-	-
Total	823,910	891,182	67,272	-	-

Source: Quarterly Key Data Report Q4 2025, ComReg 26/20

Risks to Altnets

6. Some respondents also note that the cliff-edge effect associated with the binary nature of the thresholds could encourage Access Seekers that are falling short of the targets to divert their existing FTTH customers from an Altnet FTTH service to Eircom FTTH just to meet the target. As the rate of FTTH growth slows, there are less incremental FTTH additions to share between FTTH networks and this increases the risk that Access Seekers will have to undertake Altnet FTTH to Eircom FTTH transfers in an effort to attain the WN2025-021 targets⁶⁷. ComReg agree with Vodafone's conclusion that a discount scheme that incentivises Access Seekers to undertake FTTH-to-FTTH off-net migrations in an attempt to meet the threshold targets "would introduce unnecessary provisioning steps and risk service disruption without improving customer experience or network performance. Pursuing such migrations purely to qualify for a discount would therefore be counterproductive"⁶⁸.
7. Considering the terms of WN2025-021 against the 2024 to 2025 growth trends also provides some insight as to the extent that, in order to achieve the targets, RSPs might have to prioritise Eircom FTTH with the risk that, as a consequence, demand is diverted away from the other FTTH networks. Eircom's hypothesis that achieving the WN2025-021 targets will not result in any diversion of demand away from Altnets only holds true if the discounts stimulate incremental demand across the overall market such that demand for Eircom FTTH can increase while the FTTH demand on Altnets is not reduced correspondingly.
8. The fact that an FTTC to FTTH discount was active for five months of H2-2025 suggests that level of additions achieved by Eircom and the Altnets in H2-2025 provides a reasonable reference point for the level of FTTH demand that will be available to be distributed between network operators if there is an active FTTH

⁶⁷ For example, see Vodafone Response, page 3

⁶⁸ Vodafone Response, page 4

discount in H2-2026. In other words, the observed level of FTTH additions in H2-2025 is higher because Access Seekers were incentivised to increase new FTTH additions by an FTTC to FTTH discount during that time, than it would have been if Access Seekers were not incentivised by a discount offer. Hence, we can assume that, even if demand is stimulated by the WN2025-021 discount, the expected level of FTTH additions available to Eircom and the Altnets in H2-2026 is unlikely to be much higher than was recorded in H2-2025, particularly when allowance is made for the possibility that the downward trend in FTTH growth will continue into 2026.

9. As Table A3 shows, the total FTTH additions achieved on the Eircom, SIRO and VMI networks in H2-2025 was 67,272. Expecting all Access Seekers to fully achieve even the lower 15% growth target on prior year additions would require 57,861 FTTH additions on the Eircom network, which is equivalent to a 60% increase on the level of additions that Eircom actually recorded in H2-2025, i.e., expecting a 15% increase on prior year demand levels translates into requiring a 60% increase on what can be considered to be a reasonable proxy of the expected demand in the current year.
10. Therefore, if we assume an absence of growth in the overall level of FTTH additions that would be expected to be achieved in H2-2026, Access Seekers would need to reduce their level of demand with SIRO and VMI by 70% on average to achieve the lower 15% target in network additions with Eircom FTTH. Similarly, for the 20% target to be achieved on Eircom FTTH, 78% of demand on average could need to be diverted from alternative FTTH networks.
11. Given that the level of additions recorded in H2-2025 was stimulated by an active discount scheme and allowing for the possibility that FTTH growth will continue to fall in 2026, it is not unreasonable for stakeholders, including Access Seekers that make significant use of Eircom FTTH, to consider that the success of the Eircom discount scheme will only be achieved if a significant element of the available FTTH demand is diverted to Eircom's network, materially impacting the level of FTTH additions that can be attained by Altnets during the offer window and adversely affecting wholesale competition⁶⁹.

⁶⁹ ComReg's concern that WN2025-021 could undermine wholesale competition by incentivising Access Seekers to divert demand from alternative networks to Eircom FTTH during the offer window is consistent with recent comments by the [Commission on an Italian WLA decision](#), which "*urges AGCOM to ensure that discount schemes are not only open, but also transparent and cost-justified, and do not incentivise concentration of demand with FiberCop.*"

Annex 3: Oxera report

A 3.1 [The Oxera report \(25/93a\)](#)

Non-Confidential

Annex 4: Supplemental Oxera report

A 4.1 The Supplemental Oxera report (26/22a)

Non-Confidential

Annex 5: Respondents' Submission to Consultation 25/93

A 5.1 Respondents' Submission to Consultation 25/93 (26/22b)

Non-Confidential