

**INVITATION TO MARKET PARTICIPANTS TO SUBMIT OBSERVATIONS  
REGARDING THE COMMISSION'S SERIOUS DOUBTS LETTER UNDER ARTICLE  
32 OF DIRECTIVE (EU) 2018/1972<sup>1</sup> (“THE CODE”)**

**Cases IE/2021/2332-2333: markets for retail fixed telephony services and wholesale fixed access and call origination in Ireland**

- (1) On 18 June 2021, the Commission registered a notification from the Commission for Communications Regulation, (hereinafter, "ComReg")<sup>2</sup>, concerning the markets for retail fixed telephony services and wholesale fixed access and call origination<sup>3</sup> in Ireland.
- (2) The Commission has examined the notification and concluded that the notified draft measure would affect trade between Member States and falls within Article 32 of the Code.
- (3) On 19 July 2021, pursuant to Article 32(4) of the Code, the Commission informed ComReg and the Body of European Regulators for Electronic Communications (hereinafter, "BEREC") of its reasons for considering that the draft measure would create a barrier to the internal market and its serious doubts as to its compatibility with Union law (hereinafter, "serious doubts letter").
- (4) A non-confidential version of the Commission's serious doubts letter is available on the Commission's website<sup>4</sup>.
- (5) Pursuant to Article 32(4) of the Code, the draft measure may not therefore be adopted for a further two months, i.e. until 20 September 2021.
- (6) Pursuant to Article 32(4) of the Code, within the two month period mentioned in Article 32(4), the Commission, BEREC, and the NRA concerned should closely cooperate to identify the most appropriate and effective remedies, in the light of the objective of the Code. This shall be done taking into account the views of

---

<sup>1</sup> Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (the Code) (OJ L 321, 17.12.2018, p. 36).

<sup>2</sup> Under Article 32 of the Code.

<sup>3</sup> Corresponding to markets 1 and 2 in Commission Recommendation 2007/879/EC of 17 December 2007 on relevant product and service markets within the electronic communications sector susceptible to *ex ante* regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) OJ L 344, 28.12.2007, p. 65. (2007 Recommendation on Relevant Markets). Since 2014, this market has been removed from the list of the relevant markets that may warrant *ex ante* regulation which is contained in the currently applicable Commission Recommendation (EU) 2020/2245 of 18 December 2020 on relevant product and service markets within the electronic communications sector susceptible to *ex ante* regulation in accordance with the Code (2020 Recommendation on Relevant Markets) (OJ L 439, 29.12.2020, p. 23–31).

<sup>4</sup> <https://circabc.europa.eu/w/browse/0fc4cbf9-3412-45fe-84bb-e6d7ba2f010e>.

market participants (hereinafter, "third parties") and the need to ensure the development of consistent regulatory practice.

- (7) Third parties can submit any observation(s), in writing, on the Commission's serious doubts letter. Please note that pursuant to Article 33(2) of the Code, the third party observations submitted to the Commission will be put at the disposal of BEREC and/or ComReg if requested by BEREC and/or ComReg respectively.
- (8) To enable the fulfilment of the close cooperation obligation established in the Code within the required time period, third party observations should reach the Commission no later than 5 working days following publication of this notice on the Commission's website, i.e. by **27 July 2021**.
- (9) Observations should be sent, quoting the appropriate case registration number, by email to: [CNECT-markets-notifications@ec.europa.eu](mailto:CNECT-markets-notifications@ec.europa.eu)