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Equivalence of Inputs and Equal Treatment Guidance Note 1

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This Guidance Note sets out what Equivalence of Input
and Equal Treatment means for Openreach customers

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September 2024

Equivalence of Inputs (EOI)

Commitments section

5:
Equal Treatment

EOI is a regulatory remedy imposed by Ofcom in some of the markets where we have significant market power (SMP). The Commitments also state that we should provide services on an EOI basis where required by SMP remedies.

Any services supplied into a market where the EOI remedy applies must be made available to all CPs (including BT) on equivalent terms i.e.:

- the **same timescales**
- the **same prices**
- the **same contractual terms**
- the **same service levels**
- via the **same systems and processes** for orders, provisions, repairs, etc.

We must also provide all CPs (including BT) with the **same Commercial Information** about products, services, systems and processes

Where SMP is removed from a market, we face no obligation to supply any services on EOI terms

Equal Treatment

Commitments section

5:
Equal Treatment

Equal Treatment is a Commitments-based concept whereby Openreach **will treat all customers equally in the exercise of its functions**.

It is different to EOI: it applies to everything that Openreach does (or intends to do) with the services that customers buy (or would like to buy) and the Openreach network over it provides those services – including services in markets where there is no EOI obligation.

It is therefore much broader than EOI – it seeks to set down how culturally Openreach should more generally deal with all its customers: e.g. consult with them on product and network development, assess their strategic priorities and look to develop our own investment plans in short, medium and long term.

In a nutshell:

- Openreach should treat, and in practice be seen to treat, all of its customers in a straightforward, honest, fair and transparent manner.
- No customer should ever be unduly favoured relative to others
- All customers should have an appropriate opportunity to engage with Openreach, on a confidential basis, about commercial and strategic issues.

Equal Treatment does not mean that all customers must always be treated identically. Customers may be of different size or have different requirements of Openreach. Equal Treatment does not necessarily guarantee the same outcome from engagement with different customers.

But Openreach should be consistent in its approach and look to apply the same criteria when dealing with customers in similar circumstances. Where different outcomes arise from dealings with different customers, we should make sure there is a clear rationale for this. If in doubt, consult regulatory and legal teams.