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**Compliance &
Enforcement**

6. Compliance and Enforcement

Introduction

6.1 Regulation is only effective when regulated entities comply with their regulatory obligations. ComReg's strategic intent relating

to compliance and enforcement is that **regulated entities comply with regulatory requirements**. This intent supports and underpins the effectiveness of the previous three strategic intentions

Strategic Intent 4:

Regulated entities comply with regulatory requirements.

What does this look like?

- Regulated entities are at all times fully cognisant of their obligations and comply with them.
- Regulated entities are deterred from contravening their obligations.
- There is an institutionalised culture of compliance in regulated entities.

6.2 ComReg's statutory functions in respect of compliance and enforcement can be divided into two categories: to ensure regulated entities comply with their regulatory obligations and to ensure that the radio spectrum is managed in an efficient and effective manner.

6.3 ComReg's enforcement strategy includes the following elements:

- **Culture of Compliance:** The first best situation is where regulated entities comply voluntarily with their obligations and have an internal culture of compliance.
- **Active Monitoring:** Using a variety of information and data sources, the monitoring of regulatory obligations ensures markets develop properly.
- **Targeted Enforcement:** Resources are directed toward enforcement activities in a way that maximises the effectiveness of the regime.

- **Effective Deterrence:** The effectiveness of the regime depends not only on bringing non-compliant conduct to an end but also on its impact in terms of deterring future non-compliance.

6.4 In principle, the elements of ComReg's enforcement strategy form a virtuous circle where regulated entities come into compliance with respect to targeted conducts, allowing the regulator to refocus compliance and enforcement activities, and so on.

Figure 10: Optimal Enforcement



Different Enforcement Settings

6.5 In relation to the electronic communications sector, ComReg has a number of principal areas of responsibility in respect of compliance and enforcement:

- Spectrum Management,
- Market Surveillance Authority for the Radio Equipment⁸ and Electromagnetic Compatibility^{82F} Directives, collectively Product Safety,
- Wholesale (SMP) regulation,
- Competition law enforcement, and
- Consumer protection.

Compliance and enforcement in the context of spectrum management

6.6 ComReg has a statutory function to manage the radio frequency spectrum in Ireland. This includes:

- Monitoring and supervising compliance with conditions attached to spectrum rights of use (e.g. the general authorisation and licence conditions);
- Monitoring the use of the radio spectrum to detect unauthorised use and taking appropriate enforcement action; and
- Investigating instances of harmful interference reported by licensees and the general public and taking appropriate enforcement action.

6.7 Regarding the unauthorised use of spectrum, the typical issues that arise include:

- the unlicensed use of the radio spectrum,
- non-renewal of licences, and
- the use of equipment that is non-compliant with the relevant legislation for which ComReg is the designated Market Surveillance Authority^{79,80}.

6.8 ComReg also undertakes a proactive series of monitoring activities which includes drive testing mobile networks to assess compliance with coverage obligations and conducting surveys to ensure compliance with non-ionising radiation limits.

Compliance and Enforcement in the context of Product Safety

6.9 Market surveillance of radio equipment is a requirement of the EU Single Market and ensures that radio equipment placed on the market, are manufactured to a minimum standard and can be used safely and with confidence by End Users. ComReg, as the Irish Market Surveillance Authority ('MSA') for the Radio Equipment⁸¹ and Electromagnetic Compatibility Regulations⁸², undertakes market surveillance to ensure that non-compliant radio equipment is identified, tested, seized and / or removed from sale.

6.10 ComReg's Product Safety Unit, operating within ComReg's narrow remit, is responsible for conducting market surveillance of products falling within the scope of the Radio Equipment and Electromagnetic Compatibility Directives with specific focus on those products most likely to cause harmful interference to the radio spectrum.

Compliance and enforcement in the context of SMP regulation

6.11 ComReg may impose ex-ante obligations on undertakings where they are found to have SMP. These ex-ante obligations are remedies to competition problems identified in the regulated markets. ComReg is responsible for monitoring and enforcing compliance with such SMP obligations.

6.12 Competition problems stemming from SMP are only considered to be mitigated when an operator identified as having SMP, complies with the full suite of ex-ante obligations that ComReg has imposed on it. While partial compliance may be sufficient to encourage market entry, access seekers' confidence to continue to invest may continue to be undermined if, for example, they discover that they have been treated in a discriminatory fashion or that access requests have been unnecessarily delayed. For this reason, every instance of non-compliance has the potential to seriously damage competition.

6.13 In addition to the SMP obligations, there are various obligations monitored and enforced by ComReg arising under the EU regulatory framework for electronic communications and under national legislation. ComReg also has a role in relation to disputes between undertakings in the sector.⁸³

Ex-Post Competition Law

6.14 Following the introduction of the Communications Regulation (Amendment) Act 2007, ComReg was given the additional function of investigating competition law breaches in the ECS sector⁸⁴, and shares this

79 The European Union (Radio Equipment) Regulations 2017 S.I 248 of 2017.

80 European Communities (Electromagnetic Compatibility) Regulations 2017, S.I 69 of 2017.

81 European Union (Radio Equipment) Regulations 2017, S.I. No. 248 of 2017.

82 European Communities (Electromagnetic Compatibility) Regulations 2017 S.I. 69 of 2017

83 Disputes may arise under Regulation 31 of the Framework Regulations, Section 57 of the 2002 Act, and Regulations 4, 5, 6, 7, 8 and 9 of the Broadband Cost Regulations and Article 5 of the EECC.

84 Further details in relation to ComReg's role under competition law and the investigation of such complaints is set out in its Guidance Notice on Competition Complaints. Guidance on the Submission of Competition Complaints relating to the Electronic Communications Sector, Information Notice, ComReg Document 10/110, December 2010

responsibility with the CCPC. ComReg has the power to carry out an investigation pursuant to a complaint or on ComReg's own initiative. Such investigations are carried out on an ex-post basis, (i.e. after the fact) where the purported anti-competitive behaviour has either occurred or is ongoing. Investigation can occur in markets where ex-ante regulation applies in addition to unregulated markets.

- 6.15** The Competition (Amendment) Act 2022 was signed into law on 29 June 2022 and transposes the ECN+ Directive in Ireland. This Act, when commenced, will provide ComReg with significant new competition powers. This legislation provides for a system of non-criminal enforcement of certain provisions of competition law and the issuing of prohibition notices in response to certain suspected infringements of competition law.
- 6.16** It also provides for a system of enforcement and administrative (non-criminal) penalties in relation to certain breaches of competition law, including by the imposition of non-criminal structural and behavioural remedies and certain non-criminal financial sanctions.
- 6.17** The Act also increases the level of penalties that can be imposed for certain criminal offences for breach of competition law and introduces a range of new procedural offences designed to enhance the investigation and enforcement of competition law in Ireland. The Act puts in place a new regime pursuant to which such sanctions may be imposed by ComReg (or the CCPC) and also how they may be confirmed by, or appealed to, the High Court. Finally, the Act introduces a cartel leniency programme in Ireland, something Ireland has not had to date. The

stated intention of the Act is to ensure that competition authorities have independence, sufficient resources, and appropriate power of enforcement. These enforcement powers will apply to prohibitions on undertakings from engaging in anti-competitive agreements and practices and the abuse of a dominant position.

Compliance and enforcement in the context of consumer protection

- 6.18** ComReg is responsible for monitoring and enforcing compliance by ECN / ECS service providers and PRS providers with a variety of consumer protection provisions. The principal consumer protection laws include the end-user provisions of the EECC⁸⁵, the ePrivacy Regulations⁸⁶, the 2002 Act, the PRS Act⁸⁷, the Consumer Rights Act 2022⁸⁸, and obligations on undertakings pursuant to their General Authorisation. The Consumer Rights Act 2022 will give effect to the Directive on the sale of goods⁸⁹ and to the main provisions of the Directive on the better enforcement and modernisation of Union consumer protection rules⁹⁰. The Consumer Rights Act 2022 consolidates and updates existing consumer law; ComReg will continue to have responsibility for enforcement of the provisions relating to electronic communications services and to uphold rights and remedies in consumers contracts for the supply of non-digital services.

85 Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast)

86 S.I. No. 336/2011 - European Communities (Electronic Communications Networks and Services) (Privacy and Electronic Communications) Regulations 2011.

87 Communications Regulation (Premium Rate Services and Electronic Communications Infrastructure) Act 2010

88 Consumer Rights Act 2022

89 Directive (EU) 2019/1771 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the sale of goods, amending Regulation (EU) 2017/2394 AND Directive 2009/22/EC, and repealing Directive 199/44/EC

90 Directive (EU) 2019/2161 Enforcement and Modernisation (the omnibus Directive)

6.19 ComReg will also have an enhanced enforcement function under the Consumer Protection Act, 2007 (“the 2007 Act”) in respect of unfair, misleading, aggressive and prohibited commercial practices in transactions for electronic communications networks and services and premium rate services. In keeping with the enhanced enforcement provisions in the Omnibus Directive⁹¹, ComReg will have the same powers under the Act which are available to the CCPC including power to accept undertakings and issue fixed payment notices and compliance notices.

6.20 There are several reasons for opening investigations relating to consumer protection. ComReg chiefly investigates complaints and emerging trends arising from contacts to the Consumer Line and website and makes an assessment to determine their validity. However, ComReg may also open own initiative investigations to monitor and assess the general conformance to regulatory obligations. As discussed in Chapter 4, the key issues investigated and monitored by ComReg relate to billing issues, contract terms, and informed consent to bill/provide ECS and PRS. In addition to the new provisions of the EECC, ComReg also monitors compliance with the Net Neutrality Regulations⁹² and Intra-EU Calls Regulations⁹³.

Culture of Compliance

6.21 ComReg’s view is that regulated entities should be fully cognisant of their obligations, comply with them and have an internal culture of compliance. It is therefore ComReg’s goal that **regulated entities are pro-active in ensuring their own compliance**. ComReg continues to encourage operators to have robust internal controls to prevent and detect non-compliance.

Goal 4.1

Regulated entities are pro-active in ensuring their own compliance.

6.22 Regulated entities, particularly those subject to obligations aimed at ensuring non-discrimination, may choose to put in place operational and governance measures with the specific purpose of promoting principles of compliance at all organisational levels. When implemented effectively, such measures can ensure compliance, and reduce the need for regulatory intervention and thereby promote effective and sustainable competition.

6.23 ComReg considers the following industry practices are essential for promoting a culture of compliance:

- Support and commitment from senior management for internal compliance programmes.
- A clear and enforced policy on compliance, including appropriate disciplinary procedures, prohibiting non-compliant behaviours at all levels.
- Oversight of compliance programmes by a separate monitoring body such as an internal audit committee, represented at a senior level with adequate resources, independence and authority.
- Risk-based internal controls, designed to ensure compliance that are regularly reviewed and maintained.
- Systematic, effective, and documented monitoring of internal controls and

91 DIRECTIVE (EU) 2019/2161 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules

92 S.I. No. 343/2019 - European Union (Open Internet Access) Regulations 2019

93 EUROPEAN UNION (RETAIL CHARGES FOR REGULATED INTRA-EU COMMUNICATIONS) REGULATIONS 2020

- Regular communication, guidance, and training on compliance programmes at all levels of an organisation.

- 6.24** ComReg considers that having an effective, proportionate, and dissuasive regulatory enforcement regime will help foster an awareness of the need for an appropriate culture of compliance within industry. A consequence of a poor culture of compliance may be that undertakings adopt internal interpretations of regulatory obligations that diverge from the intended meaning and purpose. Such interpretations may enhance an undertaking's commercial interest to the detriment of other stakeholders or competition and may put the undertaking at risk of non-compliance.
- 6.25** ComReg offers detailed information on applicable regulations (e.g. through public Consultation, Response to Consultation, Decision Instrument or guidance documents and in publication of enforcement decisions). An important purpose of providing guidance on the meaning and effect of regulatory obligations is to facilitate the identification of practices that are likely to be non-compliant. In this context, ComReg will monitor the practices and behaviours of undertakings and take enforcement action, where appropriate.
- 6.26** In addition, where appropriate, ComReg offers guidance on its enforcement powers and practices to ensure industry have a comprehensive understanding of their regulatory obligations and adhere accordingly. Over the coming period, ComReg will consider whether it is appropriate to publish further information and guidance on certain aspects of its compliance investigation practices and methodologies. In addition, ComReg will utilise engagement and dialogue to help foster the desired behaviours within industry, where necessary.
- 6.27** The EECC introduces new regulations and also brings new operators into the scope of ComReg's jurisdiction (e.g. providers of OTT services). On a case-by-case basis it may be

necessary to engage directly with undertakings to ensure they are fully aware of the relevant obligations. ComReg will publish any guidelines explicitly required under the EECC.

Eircom's Regulatory Governance Model

- 6.28** Eircom's Regulatory Governance is overseen by ComReg in two principal ways:
- the obligation for a Statement of Compliance ('SOC') as required under the 2018 WLA/WCA Decision and the 2020 WHQA Decision, and
 - the Settlement Agreement ('SA') entered into with Eircom in 2018 the parties agreed to a set of commitments ('RGM undertakings'). When fully implemented, the RGM undertakings will result in the establishment and operation of an enhanced Regulatory Governance Model ('RGM') in Eircom.
- 6.29** Since the SA, ComReg has observed and evaluated the functioning and effectiveness of the RGM. The Performance Agreement ('PA'), an annex to the SA, sets out a number of Milestones relating to key RGM undertakings. While most Milestones were met by Eircom, ComReg has advised Eircom in June 2021 that the requirements of the final Milestone, Milestone 4, were not met and, under the terms of the SA, ComReg has withheld the funds in escrow relating to Milestone 4.
- 6.30** In the presence of the RGM, ComReg continues to have concerns on whether competition in markets where Eircom is subject to SMP regulation is as effective as it could be. Also, of concern is whether adequate attention has been paid by Eircom to governance measures to ensure compliance with PIA related remedies. Over the coming period ComReg will review the effectiveness of existing PIA related remedies generally. ComReg has and will continue to observe and evaluate the functioning and effectiveness of the RGM in general, for example through review of the SOC's as they are notified. ComReg may also assess Eircom's governance arrangements in the context of a historical review of the

development of competition in multiple regulated markets, and may consult on whether other additional measures could produce the foundation needed to enable or expedite effective competition in future and permit the de-regulation of markets downstream from PIA.

Active Monitoring

6.31 ComReg actively monitors the markets it regulates to ensure they function in a way that is consistent with the legal and regulatory obligations imposed in those markets. ComReg does this in a number of ways:

- regular and timely collection of relevant market data and information
- direct monitoring of regulatory obligations (e.g. wholesale pricing tariffs)
- the review of price lists and product documentation
- engagement with industry, either directly or through various fora
- the monitoring of queries and complaints to ComReg's consumer care line
- the monitoring of online fora and social media
- engagement with other public and regulatory bodies (e.g. the CCPC)

6.32 ComReg continuously observes and monitors operator activities in the market. In addition, where appropriate, ComReg uses tools such as mystery shopping and social listening to inform its retail compliance activities. Where an area of potential concern is identified, ComReg will investigate.

Targeted Enforcement

6.33 ComReg's compliance and enforcement activities in the different enforcement settings are underpinned by internal processes (including evidence gathering, report writing and legal review) and firmly rooted in the legal and regulatory regime. ComReg's investigations are often complicated or multifaceted and must be conducted in a

manner that is impartial and procedurally correct. This combination of complexity and a desire to respect due process means that investigations may take time to complete. In this context, it is ComReg's goal that **ComReg's compliance and enforcement activities are conducted using fair and objective processes and are targeted and prioritised appropriately.**

6.34 In anticipation of ComReg receiving the necessary enforcement powers (e.g. powers to impose administrative financial sanctions), ComReg will continue to evolve its enforcement practices and methodologies. In addition, over the coming period, ComReg will consider whether it is appropriate to publish further information and guidance on certain aspects of its compliance investigation practices and methodologies.

6.35 The different enforcement settings in which ComReg operates mean that a prioritisation approach needs to be tailored to the relevant circumstances.

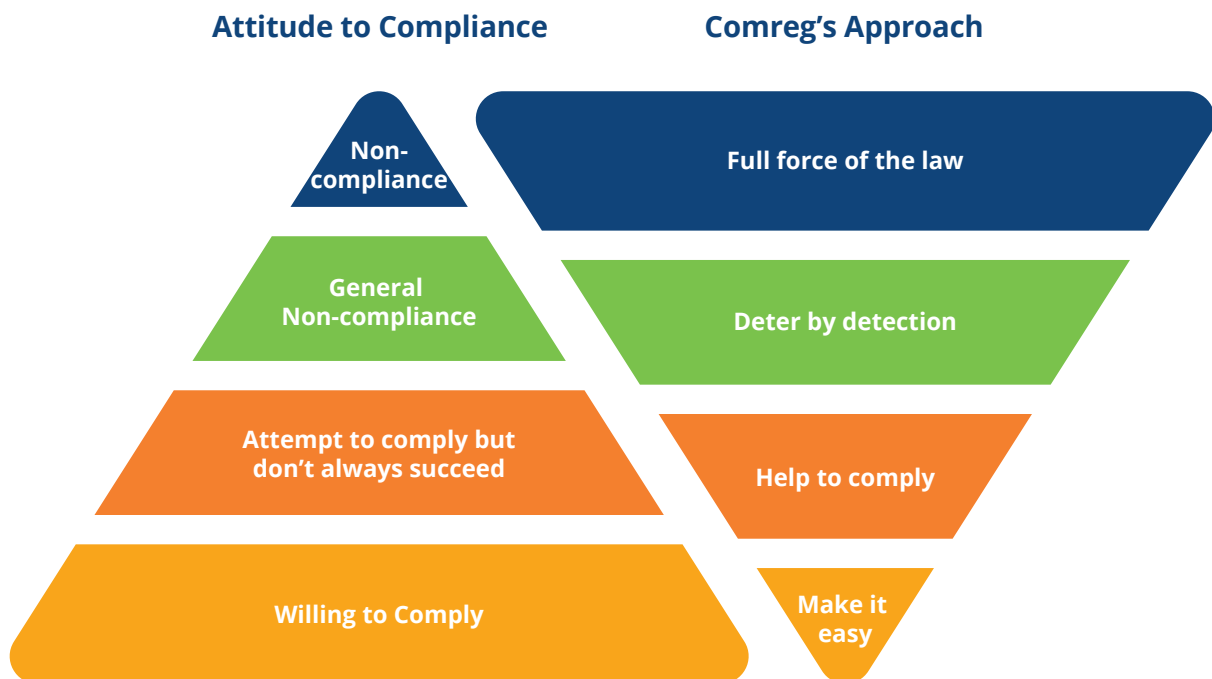
Goal 4.2

ComReg's compliance and enforcement activities are conducted using fair and objective processes and are targeted and prioritised appropriately.

6.36 In the spectrum management context, ComReg’s radio frequency interference (‘RFI’) complaints approach endeavours to direct ComReg resources to the cases of harmful interference that have the greatest impact on the complainant’s ability to provide services. ComReg aims to respond to cases which are exceptional in nature immediately and prioritise RFI related complaints accordingly,

with clearly defined complaint response times.⁹⁴ In the context of product safety, ComReg adopts a risk-based approach to the prioritisation of cases. ComReg’s approach to any Economic Operator will be broadly informed by the attitude of the Economic Operator toward its obligations. This dynamic is captured in Figure 11 below:

Figure 11: Radio Equipment Surveillance Enforcement



6.37 In wholesale regulation, enforcement is prioritised in cases where an SMP operator’s behaviour has greatest potential to harm competition – both directly and by reducing the confidence of other operators in the effectiveness and predictability of the regulatory regime. Breaches which come to light as a result of a SMP operator’s own internal control system may be of a lower priority if they are transparently reported, proactively and effectively remedied, and the failure of controls which led to the breach

is also addressed. However, ComReg will also take into account the severity of the breach when deciding whether to prioritise enforcement action.

94 Further detail on Radio Interference Investigations can be found on our website here: <https://www.comreg.ie/industry/radio-spectrum/spectrum-compliance/radio-interference/>

6.38 In the consumer protection context, cases may be prioritised using an assessment of the importance of the obligation concerned in ensuring that end-users are able to choose and use communications services with confidence. This assessment may be informed by trends in complaints received from the general public made via ComReg's consumer team and ComReg's website. There is a focus on ensuring price, choice and quality are protected with a focus on monitoring compliance with contract obligations, billing, switching, net neutrality and seeking redress. ComReg regards with particular severity any breaches of obligations intended to ensure access to ECAS because of the obvious importance of emergency calling. In the context of PRS, ensuring clear informed consent is provided is a key concern.

Effective Deterrence

6.39 ComReg uses its existing enforcement powers to bring criminal and civil actions against non-compliant ECN / ECS and PRS service providers. Regulatory breaches harm consumers, firms, industry, and competition generally. Effective enforcement powers and sanctions ensure that there is a genuine deterrent, both to the party being punished and to other regulated parties in the market. In this context it is ComReg's goal that **ComReg has an effective set of powers to incentivise compliance and effectively monitor and enforce.**

Goal 4.3

ComReg has an effective set of powers to incentivise compliance and effectively monitor and enforce.

6.40 The Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023 and related Ministerial SI's and the SI transposing the Code (SI 444 of 2022) provides for a new enforcement regime including the power to impose administrative financial sanctions and updates ComReg's investigation powers. Adjudication is provided for as a mechanism for determining breaches and imposing remedies such as consumer refunds, compensation, requirement to cease and/or remedy a breach.

Investigations

6.41 Under the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023, where an Authorised Officer appointed by ComReg suspects on reasonable grounds that a person has committed or is committing a regulatory breach, they may issue a 'notice of suspected non-compliance' (a '**NSNC**') to the person in question (the 'Notified Person'). ComReg may also publish the NSNC on its website. The NSNC will set out the grounds of the Authorised Officer's suspicion and inform the Notified Person of their right to make submissions in response. The Authorised Officer will also provide the Notified Person with the materials relied upon in reaching a view on the suspected non-compliance.

6.42 Prior to commencing an investigation into the suspected breach (or during the course of this investigation provided an adjudicator has not made a final decision), the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023 specifies that ComReg and the Notified Person may:

- ◉ Enter into an agreement to resolve the issue;
- ◉ Enter into binding commitments proposed by the Notified Person to address the breach, and the finalised commitments will be published on the ComReg website once agreed and executed; or

- Reach a settlement to resolve the issue, following which the Authorised Officer shall prepare a report setting out the relevant details (including any administrative sanctions to be imposed on the Notified Person) and the matter will be referred to adjudication on consent.

6.43 Authorised Officers may conduct detailed investigations into the suspected breaches and, in addition to the existing powers under the 2002 Act, including the power to enter premises/vehicles and seize documents and other records as required, the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023 grants Authorised Officers additional powers to:

- Require certain individuals in a position to facilitate access to computers and other data equipment in a given premises/vehicle to assist the Authorised Officer in this regard; and
- Seize any computer or other equipment as the Authorised Officer considers appropriate.

6.44 Following an investigation into the suspected non-compliance, an Authorised Officer will either close the investigation without taking any further action or, where the Authorised Officer still suspects that a breach has occurred, prepare a Referral Report and, subject to Commissioner consent, refer the matter for adjudication.

Adjudication

6.45 The Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023 provides that the Minister will appoint persons nominated by ComReg to form a panel of adjudicators, who will be independent in the performance of their functions and will have had no role in the investigation.

6.46 On confirmation that a matter has been referred to adjudication by an Authorised Officer, the Notified Person can make written submissions on the Referral Report. The Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023 will equip the adjudicators with the following

powers similar to those of the High Court:

- directing ComReg or one or more of the parties to answer questions, adduce evidence, produce books and documents, or clarify an issue of fact,
- conducting an oral hearing
- summoning a witness to appear to give evidence or attend an oral hearing (including on oath or affirmation).

6.47 Non-compliance with the adjudicators' directions or a witness summons will be an offence and may have the following consequences:

- On summary conviction, to a fine not exceeding €5,000 or a term of imprisonment not exceeding 6 months (or both); or
- On conviction on indictment, to a fine not exceeding €250,000 or a term of imprisonment not exceeding 5 years (or both).

6.48 Having considered all evidence presented, the adjudicators may make a decision as to whether, on the balance of probabilities, the Notified Person has committed a regulatory breach. Where the adjudicators determine that a regulatory breach has occurred, they may impose measures deemed necessary to remedy the breach, including:

- Ordering the payment of a financial penalty, where considered necessary, not exceeding:
 - in the case of a company, €5 million or 10% of the company's annual turnover; or
 - in the case of a natural person, €500,000 or 10% of the individual's annual income.
- Ordering the payment of a refund and/or compensation to the end-user where they have been unfairly impacted by the breach in question; and
- Ordering the suspension or withdrawal of the Notified Person's general authorisation, where the adjudicator considers that there have been serious or repeated breaches by the Notified Person.

6.49 All decisions of the adjudicator must be confirmed by the High Court, who will uphold the decision unless it considers it to be disproportionate, erroneous or containing an error of law. A Notified Person may appeal the adjudicators' decision to the High Court within 28 days of the decision (this deadline may be extended in extenuating circumstances).

New Market Surveillance Regulations

6.50 The new Market Surveillance Regulation (EU) 2019/1020 ("MSR")⁹⁵ seeks to improve and modernise market surveillance, by addressing certain shortcomings of the previous market surveillance framework⁹⁶, notably, complex supply chains involving internet sales and third country (non-EU) sellers.

6.51 The MSR aims to strengthen market surveillance in Europe, with provisions for customs authorities and e-commerce operators. In addition, certain obligations now extend to fulfilment service providers⁹⁷, and a contact is required in the EU for products from third countries.

6.52 A number of pieces of product legislation are covered, including the Radio Equipment, Electromagnetic Compatibility Directive and Low Voltage Directives. Further, it proposes the creation of a Single Liaison Office ('SLO') for each Member State, and an EU-wide Product Compliance Network ('PCN'), which shall address general, horizontal issues of market surveillance, with a view to enhanced effectiveness and cooperation between Member States.

6.53 The European Parliament⁹⁸ while discussing the legislation noted that End Users "face risks when buying or working with potentially dangerous goods. Non-compliant goods may also ruin the environment. Secondly, businesses face unfair competition from non-

compliant businesses: total compliance costs have been estimated to amount to 0.48 % of a company's turnover and are not faced by non-compliant businesses". It identified 4 main objectives:

- i reinforcing market surveillance cooperation procedures among Member States;
- ii increasing operational enforcement capacity;
- iii strengthening the enforcement toolbox available to market surveillance authorities; and
- iv promoting compliance by making information on EU harmonised legislation more accessible.

6.54 The MSR came into force on 16th July 2021 and while the Regulation has direct application, for enforcement reasons it is necessary for each relevant government department in the State to produce its own implementing legislation to support the relevant product legislation.

6.55 Over the coming period, ComReg will continue to engage with DECC for the legislative changes that are essential to ensure ComReg has the necessary powers and resources to ensure the market surveillance provisions of the MSR can be implemented as envisaged.

⁹⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32019R1020>

⁹⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008R0765&from=EN>

⁹⁷ Defined in the MSR as "...any natural or legal person offering, in the course of commercial activity, at least two of the following services: warehousing, packaging, addressing and dispatching,..."

⁹⁸ [https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/615652/EPRS_BRI\(2018\)615652_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2018/615652/EPRS_BRI(2018)615652_EN.pdf)