



An Post v. The Commission for Communications Regulation (Record No. 2012/106JR)

Information Notice

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Information Notice

On 4 October 2012 the High Court delivered a judgment in a judicial review action which An Post had commenced against ComReg. The case concerned a challenge by An Post to a direction made by ComReg on 22 November 2011 in relation to the delivery of postal packets to a particular address. The direction arose against the background of a consumer complaint and attempts by ComReg to resolve that complaint with An Post. In the High Court proceedings An Post sought an order quashing ComReg's direction and it also sought orders in relation to issues of a more general nature concerning the question of addressing in the State.

In its judgment delivered on 4 October 2012, the High Court found in favour of An Post and made orders quashing the direction and granting the other reliefs sought by An Post. In light of the significance of the judgment and its potential effect on the postal sector and having regard to ComReg's statutory functions and objectives, ComReg intends to appeal the decision of the High Court to the Supreme Court. ComReg also intends to seek an early hearing of the appeal with a view to all parties and market participants achieving finality and certainty on the issue of addressing as early as possible.

Further information

ComReg's statutory functions under section 10(1) of the Communications Regulation Act 2002 include -

- (ba) to ensure the provision of a universal postal service that meets the reasonable needs of postal service users,
- (c) to monitor and ensure compliance by postal service providers with the obligations imposed on them by or under the Communications Regulation Acts 2002 to 2011 in relation to the provision of postal services.

ComReg's statutory objectives under section 12(1)(c) of the Communications Regulation Act 2002 (in exercising the above functions) are -

- (i) to promote the development of the postal sector and, in particular, the availability of a universal postal service within, to and from the State at an affordable price for the benefit of all postal service users,
- (ii) to promote the interests of postal service users within the Community, and
- (ii) subject to subparagraph (i), to facilitate the development of competition and innovation in the market for postal service provision.