



Commission for
Communications Regulation

Appeal of ComReg's Decision on Mobile Termination Rates

Information Notice

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1 Appeal of ComReg's Decision on Mobile Termination Rates

1. On 21 November 2012, the Commission for Communications Regulation ("ComReg") published ComReg Decision D11/12 which designated six Mobile Service Providers with Significant Market Power ("SMP") and imposed a number of SMP obligations on each of them, including an obligation of cost orientation.¹ The Mobile Service Providers in question are Hutchison 3G Ireland (H3GI), Lycamobile Ireland (Lycamobile), Meteor Mobile Communications (Meteor), Telefonica Ireland (O2), Tesco Mobile Ireland (TMI) and Vodafone Ireland (Vodafone).
2. On 21 November 2012, ComReg also published ComReg Decision D12/12² which further specified the cost orientation obligation imposed under ComReg Decision D11/12. In particular, ComReg Decision D12/12 directed each SMP Mobile Service Provider to ensure that its weighted average wholesale mobile termination rate is no more than 2.60 €cent per minute for the period from 1 January 2013 to 30 June 2013. The decision also imposed a maximum permitted wholesale mobile termination rate of 1.04 €cent per minute on each SMP Mobile Service Provider with effect from 1 July 2013 onwards.
3. On 18 December 2012, Vodafone Ireland Limited appealed to the High Court against ComReg Decision D11/12 (insofar as that decision imposed a cost orientation obligation) and also against ComReg Decision D12/12. ComReg will fully defend the appeal proceedings brought by Vodafone.
4. It should be noted that, notwithstanding the appeal brought by Vodafone, ComReg Decisions D11/12 and D12/12 remain in force in their entirety. Vodafone is not seeking a stay on the implementation of ComReg's decisions at this time. Accordingly, with effect from 1 January 2013, each SMP Mobile Service Provider is obliged to ensure that its weighted average wholesale mobile termination rate is no more than 2.60 €cent per minute.

¹ ComReg Document No 12/124; Decision No D11/12: Market Review - Voice Call Termination on Individual Mobile Networks - Response to Consultation and Decision; published on 21 November 2012 ("ComReg Decision D11/12").

² ComReg Document No 12/125; Decision No D12/12: Mobile and Fixed Voice Call Termination Rates in Ireland; published on 21 November 2012 ("ComReg Decision D12/12").