



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Information Notice

Application to the High Court for declarations
of non-compliance and for a financial penalty.

Information Notice

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1. With reference to five Information Notices¹ published by the Commission for Communications Regulation (“ComReg”) on 17 November 2016, ComReg has applied to the High Court, pursuant to Regulation 19(4) of the (European Communities (Electronic Communications Networks and Services) (Access) Regulations, 2011 (“the Access Regulations”)², for declarations of non-compliance and for orders that Eircom Limited (“Eircom”) pay to ComReg amounts by way of financial penalty³ in respect of the following:
 - a. A breach of the non-discrimination obligations in Decision D06/11⁴;
 - b. A breach of the non-discrimination obligations in Decision D05/10⁵;
 - c. A breach of the transparency obligation in Decision D06/11;
 - d. A breach of the transparency obligation in Decision D05/10;
 - e. A breach of the access obligation in Decision D07/61⁶.
2. As part of this application, ComReg intends to make submissions, pursuant to Regulation 19(8) of the Access Regulations, to the High Court in relation to the appropriate amounts of financial penalty that should be ordered, taking full account of all relevant factors including Eircom’s representations.

¹ ComReg Document No. [16/99](#), [16/100](#), [16/101](#), [16/102](#), [16/103](#)

² European Communities (Electronic Communications Networks and Services) (Access) Regulations 2011 (S.I. No. 334 of 2011), as may be amended from time to time.

³ And for such further or other order or orders which the Court may deem appropriate.

⁴ ComReg Document No. 11/49, ComReg Decision D06/11, ‘Response to consultation and Decision, Market Review: Wholesale Broadband Access (Market 5)’, dated 8 July 2011.

⁵ ComReg Document No. 10/39, ComReg Decision D05/10, ‘Response to consultation and Decision – Market Review: Wholesale (Physical) Network Infrastructure Access (Market 4)’, dated 20 May 2010.

⁶ ComReg Document No. 07/61, ComReg Decision D07/61, ‘Decision Notice and Decision Instrument -Designation of SMP and SMP Obligations: Market Analysis: Retail Fixed Narrowband Access Markets’, dated 8 July 2011.