



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Authorisation to provide a postal service

Obligation to notify the Commission for Communications Regulation

Information Notice

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1. The Commission for Communications Regulation ("ComReg") is the national regulatory authority for postal services in the State. ComReg's functions and objectives are set out in the Communications Regulation Act 2002, as amended ("the 2002 Act"). In August 2011 the Communications Regulation (Postal Services) Act 2011 ("the 2011 Act") took effect in Ireland. It established a new statutory framework for the regulation of postal services in the State.¹
2. Under section 38(1) of the 2011 Act there is a legal obligation on any person who is providing or intending to provide a postal service to notify ComReg, as all "postal service providers" require authorisation by ComReg. The register of authorised postal service providers under the 2011 Act is in place and published on ComReg's website since 2012.
3. In advance of ComReg undertaking a review of the universal postal service designation for the purposes of section 17(2) of the 2011 Act ComReg wants to ensure that all postal service providers operating in the State are aware of their obligations under section 38(1). By way of this information notice ComReg is therefore again informing all postal service providers in the State of the obligation that any person providing a postal service or intending to provide a postal service must notify ComReg by completing the 12/81n² form, available on the ComReg website.
4. In completing the 12/81n form a person should also decide whether the postal service is "within the scope of the universal postal service". In doing so, they should refer to the guidelines published by ComReg on its website in ComReg Document 12/81a³ to help inform this decision.
5. Postal service providers should seek their own independent legal advice before completing the 12/81n form as failure to notify ComReg or making a false or misleading declaration is a criminal offence and is liable, on summary conviction, to a 'Class A fine'.⁴
6. Further details and background information can be found in the 2011 Act and in ComReg Document 12/81 "Postal Regulatory Framework – Implementation of the Communications Regulation (Postal Services) Act 2011 – Response to Consultation, Direction and Regulation", both available at www.comreg.ie

¹ The 2011 Act transposed into Irish law the harmonised EU framework for the regulation of postal services under Directive 97/67/EC of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market of Community postal services and the improvement of quality of service, as amended by Directive No. 2002/39/EC, and Directive No. 2008/6/EC ("the EU Postal Directive").

² <https://www.comreg.ie/publication/notification-and-declaration-form-intention-to-provide-a-postal-service/>

³ <https://www.comreg.ie/publication/guidelines-concerning-postal-services-within-the-scope-of-the-universal-postal-service/>

⁴ A Class A fine is the largest fine permissible under the Fines Act 2010 following summary conviction.