



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

Call for Inputs

Electronic Communications Sector – Medium Term Strategy

Reference: ComReg Doc 20/91

Version: FINAL

Date: 01/10/2020

An Coimisiún um Rialáil Cumarsáide
Commission for Communications Regulation

1 Lárcheantar na nDugaí, Sráid na nGildeanna, BÁC 1, Éire, D01 E4X0.
One Dockland Central, Guild Street, Dublin 1, Ireland, D01 E4X0.
Teil | Tel +353 1 804 9600 Suíomh | Web www.comreg.ie

Additional Information

Document No:	20/91
Date:	30 th September 2020

This is not a binding legal document and also does not contain legal, commercial, financial, technical or other advice. The Commission for Communications Regulation ('ComReg') is not bound by it, nor does it necessarily set out ComReg's final or definitive position on particular matters. To the extent that there might be any inconsistency between the contents of this document and the due exercise by ComReg of its functions and powers, and the carrying out by it of its duties and the achievement of relevant objectives under law, such contents are without prejudice to the legal position of ComReg. Inappropriate reliance ought not therefore to be placed on the contents of this document.

Content

Section	Page
1 Introduction.....	5
2 Summary of 2017-2021 Strategy	7
2.1 ComReg’s Mission, Vision and Role	7
2.2 Trends and Challenges	7
2.3 Strategic Intents	8
3 2021-2026 Strategy for Electronic Communications.....	12
4 Next Steps.....	14

Annex

Section	Page
Questions.....	11
Questions.....	13
Annex 1: Call for Inputs Questions.....	15

1 Introduction

Background and Context

1. The Commission for Communications Regulation (“**ComReg**”) is the statutory body responsible for the regulation of the electronic communications sector (telecommunications, radio-communications and broadcasting transmission) in the Republic of Ireland. ComReg has a range of functions and objectives in relation to the provision of Electronic Communications Networks and Services (“**ECN**” and “**ECS**”) in accordance with European Union (“**EU**”) and national legislation.¹
2. In 2017, ComReg published its five-year 2017 – 2021 ECS Strategy (ComReg document 17/31). In that Strategy, we set out our Vision, Role and high-level strategic objectives for the sector for the period from 2017 to 2021. In 2019, ComReg published a mid-term review of its Five-Year Strategy (ComReg document 19/52). The 2017-2021 ECS Strategy is summarised in the following chapter.
3. ComReg now intends to publish its Draft Strategy for Electronic Communications for the period 2021-2026 and its ECS Strategy Statement for 2021-2023 in early 2021, in line with Section 31 of the Communications Regulation Act 2002 (No. 20 of 2002), as amended. This Strategy will set out our Vision, Role and high-level strategic objectives for the sector over the medium-term. In advance of that publication, ComReg is seeking to elicit views from stakeholders on a number of key matters to be addressed in the Strategy.²

Call for Inputs

4. The purpose of this Call for Inputs is to enable ComReg to better understand how the electronic communications sector may evolve over the coming period. For example, how will the sector adapt to a changing technological and competitive landscape, or similarly, how might the sector be impacted by significant trends and developments such as Brexit, the challenges presented by climate change, Covid-19 and more generally, changing behaviours and attitudes to communications services.

¹ ComReg also has a remit to regulate the postal sector. However, the focus of this paper is specifically on electronic communications. With regard to the postal sector, please see ComReg’s 2020-2022 Postal Strategy Statement (ComReg Document 19/113).

² This Call for Inputs is in addition to the public Consultation on the draft Strategy, due to take place in early 2021.

5. A number of questions are posed throughout this document (and compiled in Annex 1). ComReg would welcome evidence and views of interested parties and encourages all stakeholders to respond.
6. ComReg intends to use this Call for Inputs to inform its next medium-term ECS Strategy, due for public consultation in early 2021. ComReg will carefully consider the responses received and will use them to inform its strategy.
7. This Call for Inputs proceeds as follows:
 - **Chapter 2** summarises the 2017-2021 ECS Strategy
 - **Chapter 3** sets out the main considerations for ComReg when preparing its 2021-2026 ECS Strategy.
 - **Chapter 4** sets out the next steps and how stakeholders may respond to this Call for Inputs.

2 Summary of 2017-2021 ECS Strategy

2.1 ComReg's Mission, Vision and Role

8. As set out in our 2017-2021 ECS Strategy, ComReg's vision for the period of that strategy was of a sector **where consumers and businesses in Ireland have affordable, high-quality, and widespread access to communications services and applications that support their social and economic needs.**
9. Our role and mission set out the contribution that ComReg makes toward achieving our vision for the sector. As an economic regulator, **our role is to ensure that communications markets operate in the interests of end-users and society.** Ensuring a well-regulated market is one of the most important tools in working towards the vision of the communications sector.
10. We take a broad view of what it means for a market to operate in the interests of end-users and society. In this regard, we consider that the market should provide end-users, including vulnerable end-users, with access to and use of basic and advanced electronic communication services, both fixed and wireless. Other examples of this broader interest include the provision of access to and use of services, such as, emergency calls and the universal design and adaptation of services so that, for example, people with disabilities can participate fully in society.
11. Our mission reflects this broad view of our role: **Through effective and relevant regulation, to facilitate the development of a competitive communications sector in Ireland that attracts investment, encourages innovation and empowers consumers to choose and use communications services with confidence.**

2.2 Trends and Challenges

12. In our 2017-2021 ECS Strategy we set out that efficient investment in electronic communications infrastructure is imperative for future social and economic success in Ireland, and that connectivity is a key driver of economic productivity and social inclusion. A fundamental challenge for ComReg is to anticipate and react appropriately to the changing environment, and to ensure that our regulatory responses are timely and effective. In this context, we previously identified five principal trends likely to shape the sector and pose regulatory challenges over the five-year period of the 2017-2021 ECS Strategy:
 - **Non-uniform end-user experiences:** Accessibility and connectivity have not evolved uniformly and the experience of end-users has not always kept pace with changes in expectations.

- **Expanding set of related markets relevant to the regulation of ECS:** Effective regulation requires an understanding of the complex ECS eco-system, especially when electronic communications is an enabler of innovation in related markets.
- **Increase in connected “things”:** While the current ECS eco-system focuses primarily on how people connect, the next wave of innovation is anticipated to be in relation to connected “things”.
- **Continued evolution of fixed and mobile networks:** Future electronic communications networks such as 5G networks are likely to have differing requirements.
- **Changing regulatory framework:** As part of a broader digital strategy in Europe, the regulatory framework for electronic communications introduced in 2002 (and updated in 2009) was under revision.

2.3 Strategic Intents

13. In our 2017-2021 ECS Strategy we noted that our activities can be categorised into four broad areas:

- **Competition**
- **Consumer Protection**
- **Investment**, and
- **Compliance and Enforcement**

14. In addition, we noted that underpinning our ability to fulfil our role and mission is the ongoing development of, and investment in, our **Organisation**.

15. On this basis our Strategy detailed five Strategic Intentions for ComReg over the five-year period.

Strategic Intentions 2017-2021		
1.	Competition	The market delivers innovation and the greatest possible choice of wholesale and retail operators
2.	Consumer Protection	Consumers can choose and use communications services with confidence
3.	Investment	Efficient investment has enabled affordable, high-quality and widespread access to communications services and applications
4.	Enforcement and Compliance	Regulated entities comply with regulatory requirements
5.	Organisation	We are an effective and relevant regulator

Strategic Intention 1: Competition

16. ComReg's first strategic intention is that **the market delivers innovation and the greatest possible choice of wholesale and retail operators**. Ongoing monitoring of the market is required for targeted intervention which is aimed at facilitating competition. Effective regulation of ECS requires a thorough understanding of the sector and its associated weaknesses, or market failures. ComReg has three principal ways in which competition and consumer choice can be promoted:

- **Access to markets – promoting competition via the SMP³ Framework:** ComReg has a commitment to encouraging the development of competition in markets which are not effectively competitive, promoting investment to the deepest level of the network that is economically efficient, and exiting the regulation of markets which are effectively competitive.
- **Access to inputs – effective management of spectrum and numbering:** ComReg's strategy for the period is to ensure that the management of the national spectrum and numbering resources take account of the promotion of competition, and the potential impact that the assignment and allocation of these inputs may have on downstream markets.
- **Access to consumers – active switching by consumers:** Effective competition is dependent upon the ability and willingness of consumers to switch providers in response to better deals available in the marketplace.

17. ComReg's strategy for the period in this latter context forms part of a wider strategy aimed at protecting consumers.

Strategic Intention 2: Consumer Protection

18. ComReg's second strategic intention is that **consumers can choose and use communications services with confidence**. Our consumer protection strategy emphasises the role of informed decision-making, and has three elements, broadly corresponding to the experience of a consumer navigating the market:

- **Preparing the consumer for the purchasing decision:** To effectively provide consumers with appropriate and adequate information to assist them when choosing and using ECS services, it is necessary that we understand their behaviours and preferences.
- **Accessing and using products and services:** ComReg monitors compliance by ECS and premium rate service operators with their obligations. Our strategy is to ensure that consumers have access to basic

³ Significant Market Power

services and that their rights are upheld, with respect to, inter alia, switching, contracts, service use and billing.

- **Consumer complaints and redress:** For consumers to have confidence in the ECS sector they need to have access to a resolution process that addresses the power differential between a large operator and an individual. ComReg's strategy is to ensure that consumers have effective redress mechanisms. Over the period we will be seeking to improve minimum standards in complaints handling by operators and to develop alternative dispute resolution mechanisms, as appropriate.

19. ComReg aims to be an effective advocate for consumers and to provide expert input on matters affecting how markets work for consumers.

Strategic Intention 3: Investment

20. ComReg's third strategic intention is that **efficient investment has enabled affordable, high-quality and widespread access to communications services and applications**. Underlying all of ComReg's work is the belief that effectively competitive markets drive commercial incentives which will motivate the investments necessary to bring innovative products and services to market, and to generally improve service quality. ComReg's strategy over the period focused on:

- **Facilitating commercial investment:** ComReg aims to ensure that competitive incentives drive commercial investment in infrastructure and services to the widest extent possible. ComReg's role in this can involve mandating the supply of wholesale inputs under the SMP regime, setting prices that allow an adequate return on investment, effectively managing the radio spectrum and good administration of the national numbering resource.
- **Creating regulatory incentives to invest where necessary:** Unregulated, ECS markets may not provide the right, or adequate, incentives for investment. Reliance on market-based incentives alone would also lead to non-provision of services to non-economic end-users.
- **Assisting policymakers:** Where direct State intervention is required, for example, in delivering broadband on a nationwide basis, it is ComReg's strategy to assist policymakers to design interventions that complement market realities. As such, ComReg aims to provide expert input based on its knowledge and experience of ECS and related markets.

Strategic Intention 4: Enforcement and Compliance

21. ComReg's fourth strategic intention is to ensure that **regulated entities comply with regulatory requirements**. ComReg recognises that market regulation is only effective and meaningful if regulated entities comply with obligations. As such, this strategic intention supports the three already outlined.

ComReg is active in a range of different compliance environments; this is reflected in our approach at an operational level. In general terms our strategy has three elements:

- **Culture of compliance:** ComReg’s view is that the optimum situation is where regulated entities are fully cognisant of their obligations, comply with them and have an internal culture of compliance. ComReg strongly encourages operators to have robust internal controls and policies intended to prevent and detect non-compliance. Where appropriate, ComReg will utilise engagement and dialogue to help foster desired behaviours.
- **Targeted compliance and enforcement:** Targeted compliance and enforcement activities involve directing resources toward activities in a way that maximises effectiveness. The different enforcement settings in which ComReg are active means that prioritisation needs to be tailored to the relevant circumstances.
- **Effective deterrence:** The effectiveness of the regulatory regime depends not only on bringing non-compliant conduct to an end but also on deterring future non-compliance. It is ComReg’s strategy to ensure that we have an effective set of powers to incentivise compliance and effectively monitor and enforce. As such, ComReg will advocate for legislative amendments that will enable it to deliver on its strategy, based on its expertise and experience of regulation.

Strategic Intention 5: Organisation

22. The final strategic intention is to ensure that **ComReg is an effective and relevant regulator**. ComReg recognises the need to ensure that, in the context of changing technological, market and public policy circumstances, regulation continues to be effective and relevant. ComReg’s view is that we cannot adopt a passive stance. Instead, we will strive to be an active and dynamic organisation that is capable of responding to the rapidly changing environment and is positioned, in terms of expertise, robust analytics and up-to-date information, to address issues that affect our ability to fulfil our mission. Accomplishment of this Strategic Intention ensures a greater likelihood of success for ComReg in achieving its other four Strategic Intentions.

Questions

Question 1: Do you consider that ComReg’s Mission, Vision and Role, as set out in the 2017-2021 ECS Strategy remain relevant for the forthcoming period (i.e. 2021 to 2026)? – please support your view with evidence.

Question 2: Do you consider that ComReg’s Strategic Intents, as set out in the 2017-2021 ECS Strategy remain relevant for the forthcoming period (i.e. 2021 to 2026)? – please support your view with evidence.

3 2021-2026 Strategy for Electronic Communications

23. As noted above, the purpose of this Call for Inputs is to elicit views from stakeholders on the various components of ComReg's forthcoming 2021-2026 Strategy for Electronic Communications.

24. ComReg's forthcoming 2021-2026 Strategy for Electronic Communications will contain the following components:

- Statements on ComReg's Vision for the period 2021 to 2026.
- Statements on our Role and Mission in delivering on that Vision.
- A discussion on the Economic and Legal Context for the period 2021 to 2026.
- A discussion of the main trends and challenges ComReg expect will shape the markets we regulate and our activities over the period 2021 to 2026.
- A Strategic Framework through which we will use to set out our various Strategic Intents.
- A series of Goals, organised by Strategic Intent, setting out how ComReg intends to fulfil its Strategy over the period 2021 to 2026.

Considerations

25. As set out at paragraph 12, the 2017-2021 ECS Strategy previously identified five principal trends as likely to shape the sector and pose regulatory challenges. In addition to those trends or evolution of same, there are several considerations and issues that will likely shape ComReg's forthcoming 2021-2026 Strategy for Electronic Communications. Amongst others, these include:

- Various demographic and geographic factors that may impact the rollout, quality, take-up or experience of electronic communications networks in Ireland;
- Changing consumer behaviours, perceptions and usage trends (including technology and service adoption);
- The impact of digitisation, digital disruption and automation on consumers and the electronic communications sector;
- The growing importance and reliance on electronic communications networks, services and applications;

- The evolving set of adjacent markets and related sectors;
- Issues relating to network security, integrity and reliance, including issues arising from network incidents (e.g. weather related, malicious acts and other network outages);
- The relationship between ECS and climate change, including climate disruption and the transition towards a low-carbon, zero-waste economy⁴;
- The impact of Covid-19 on telecommunications networks and industry, consumers and the economy; and
- The changing legislative and regulatory framework.

26. These considerations, amongst others, will shape various elements of ComReg's forthcoming Strategy. ComReg would welcome views of stakeholders on the above considerations and others that they consider are important and relevant to ComReg's forthcoming Strategy.

Questions

Question 3: What are the trends and challenges you consider will shape ComReg's next ECS Strategy? – Please support your view with reasons and evidence.

Question 4: Are there other issues ComReg should consider in shaping its next ECS Strategy? - Please support your view with reasons and evidence.

⁴ In December 2019 ComReg issued a Call for Inputs on the relationship between Connectivity and Decarbonisation (ComReg document 19/126). Responses to that Call for Inputs will also be considered as part of forming this Strategy.

4 Next Steps

27. The purpose of this Call for Inputs is to allow ComReg seek a range of views from a range of external stakeholders on how the electronic communications markets are likely to evolve over the next five years. ComReg intends to use this Call for Inputs to shape key elements of its Strategy, prior to a public consultation in early 2021.
28. A number of questions are posed throughout this document (and are compiled in Annex 1). ComReg would welcome evidence and views of interested parties and encourages all stakeholders to respond.
29. ComReg welcomes all written responses from stakeholders by **5pm on Friday 30th October 2020**. It will make the task of analysing responses easier if comments reference the relevant question numbers from this document. In all cases, please provide evidence in support of your views.
30. Responses must be submitted in written form (post or email) to the following recipient clearly marked “**Submissions to ComReg 20/91**”:

John Regan
Commission for Communications Regulation
One Dockland Central,
1 Guild St.,
North Dock,
Dublin 1.
D01 E4XO
Ireland

Email: john.regan@comreg.ie

31. ComReg intends to consult on the draft 2021-2026 ECS Strategy in early 2021.

Annex 1: Call for Inputs Questions

Question 1: Do you consider that ComReg’s Mission, Vision and Role, as set out in the 2017-2021 ECS Strategy remain relevant for the forthcoming period (i.e. 2021 to 2026)? – please support your view with evidence.

Question 2: Do you consider that ComReg’s Strategic Intent, as set out in the 2017-2021 ECS Strategy remain relevant for the forthcoming period (i.e. 2021 to 2026)? – please support your view with evidence.

Question 3: What are the trends and challenges you consider will shape ComReg’s next ECS Strategy? – Please support your view with reasons and evidence.

Question 4: Are there other issues ComReg should consider in shaping its next ECS Strategy? - Please support your view with reasons and evidence.