

ComReg issues an Opinion of Non-Compliance to Three Ireland Services (Hutchison) Limited in respect of transparency and accessibility provisions



An Coimisiún um
Rialáil Cumarsáide
Commission for
Communications Regulation

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Information Notice

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1. On 16 July 2018, ComReg notified Three Ireland Services (Hutchison) Limited (“Three Services”) of a finding of non-compliance by Three Services with its obligations under the European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations 2011¹ (“the Universal Service Regulations”).
2. The Notification of non-compliance was made pursuant to Regulation 31(2) of the Universal Service Regulations.
3. The Notification of non-compliance notified Three Services of a finding relating to contractual transparency and accessibility obligations. In particular, the Notification relates to the failure on the part of Three Services to provide customers with a contract that specified the amount of its failed direct debit fee and the circumstances in which it would be applied in a clear, comprehensive and easily accessible form.
4. The Notification of non-compliance notified Three Services of a finding that it had failed to comply with Regulations 14(1) and 14(2)(d) of the Universal Service Regulations.
5. Three Services was given the opportunity by ComReg to state its views and to remedy the non-compliance within a reasonable period.
6. Three Services have identified affected customers and initiated refunds amounting to a total of €405,719 pertaining to unique customers that were charged the €12.50 fee. Three services have also remedied the non-compliance and ceased charging customers for its failed direct debit fee.
7. ComReg has formed the Opinion that Three Services was non-compliant with its obligations with Regulations 14(1) and 14(2)(d) of the Universal Service Regulations.
8. ComReg has, however, taken account of Three Services’ response and its remedial measures and subject to completion of all commitments received, will be taking no further action in respect of this matter.

¹ S.I. No. 337 of 2011 <http://www.irishstatutebook.ie/eli/2011/si/337/made/en/pdf>