



Summer 2004

ComReg Newsletter

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Chairperson's Message

I would like to welcome you to the first edition of ComReg's quarterly Newsletter, which is aimed at keeping those with a direct interest, and the wider public, informed about the ongoing work of the Commission for Communications Regulation.

ComReg is responsible for the regulation of two key sectors which help to underpin a competitive Ireland – the electronic communications sector and the postal sector. Our remit covers all aspects of communications services in Ireland from fixed and mobile telephony, to the management of the radio spectrum.

Given such a broad and significant remit, ComReg is involved on an ongoing basis with all sectors of industry, consumer groups and Government. This newsletter is designed to give interested parties a regular update of some of the important issues as they arise, and the impact they will have upon our activity in regulating for consumers and industry alike.

Our aim is to ensure that Ireland has a competitive telecommunications sector that gives Irish consumers and businesses a choice of high quality services at competitive prices. The communications sector is at the heart of our economy and society. ComReg endeavours to promote choice and competition as it's in all of our interests to have a high-quality, competitively positioned electronic communications sector.

In all of this activity, our focus is clear: to ensure the best quality and value in the sectors we regulate for the benefit of both consumers and industry.

Our work programme for 2004 is varied and far-reaching and can be viewed on our website – www.comreg.ie



John Doherty,
Chairperson of ComReg

ComReg Moves on EU Competitiveness Rules for Ireland's Communications Markets

ComReg has moved quickly to conduct market reviews and assess the levels of competition in a number of markets covering fixed telephony, mobile, broadband and broadcasting, under a new EU regulatory framework which came into force in July 2003. The new rules are designed to ensure competition between providers, some of whom dominate for historical infrastructural reasons, thereby giving them market advantage.

Under the new rules, ComReg's basis for intervening in a market is now predicated on finding an operator or operators dominant in a given market. ComReg decisions on competition in the market are subject to EU veto, and all market review decisions are referred to a newly established EU task force.

ComReg is among the first regulators in Europe to have notified markets using this process, and to date has notified three markets covering local loop unbundling, broadcast transmission

and mobile termination rates, designating both eircom and RTE Networks as having 'Significant Market Power' (SMP), and obliging them to take steps to promote competition in the process. ComReg has also launched a number of consultations on other market reviews, notably seeking comments that aspects of the mobile market are ineffectively competitive. ComReg has also consulted on regulation of wholesale broadband access and leased lines.

ComReg is also actively working with other European regulators collecting data for a future market review on International Roaming.

ComReg will launch the remaining market review consultations covering the interconnection and retail fixed markets in the next few months and anticipates completing all notifications to the European Commission by the end of the year.



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Leading ICT Strategists Join ComReg ‘Expert Advisory Group’

ComReg has announced the establishment of a high level Expert Group to advise the Regulator on its strategic approach to development, innovation and regulation within the Electronic Communications sectors over the coming two years. All five members of the group are regarded as experts in their discipline, and each has extensive experience of the Information Communications Technology [ICT] sector, advising both Industry and Governments on key developments within these sectors.

The Group’s advice to ComReg will focus on international and national strategic issues which have implications for the ICT Sector as it plays such a key role in terms of growth, competitiveness and employment within the Irish economy.

It is ComReg’s aim to ensure that Ireland has a leading-edge Electronic Communications sector which will attract business investment, support innovation, benefit consumers, and assist in contributing to Ireland’s overall competitiveness. In seeking to achieve these objectives, the Expert Group will add to ComReg’s knowledge and expertise as it deals with the challenges facing the sector.

The Expert Advisory Group will meet with ComReg’s senior management team on a quarterly basis over the next two years. The members of the Expert Group are as follows:

- Dr David Cleevly is a leading authority on telecommunications policy and digital economy and he is founder and chairman of Analysys Limited. Dr Cleevly has been a member of the Institute of Electrical Engineers Communications Sector Panel since 2002. He has worked with many Governments advising on policy to encourage innovation and growth within the telecommunications sector.

- Dan Flinter is a former Chief Executive of Enterprise Ireland. Previously Mr Flinter held a range of senior positions including, CEO of Forbairt, Executive Director of IDA and Board member of Forfas. Mr Flinter, is currently a Director of the Digital Hub Development Agency, Chairman of the Northern Ireland Food Strategy Group and Non-Executive Director of Project Management Holdings. During his time with Enterprise Ireland, Forbairt and IDA, Mr Flinter played a leading role in the development of Irish Industrial Policy.
- Dr William Melody is an economist and expert of telecoms reform. He is currently Visiting Professor at the Technical School of Economics, Denmark, the London School of Economics and the University of Witwatersrand, South Africa. He is a Director of the World Dialogue on Regulation for Network Economies and editor of Telecom Reform: Principles, Policies and Regulatory Practices. He is a former Chief Economist with the US Federal Communications Commission and he has advised many governments around the world about telecom reform programmes.
- Eli Noam is Professor of Economics and Finance at Columbia University Business School, New York. He is the Director of the Columbia Institute for Tele-Information which is a research centre focussing on strategy, management and policy issues in telecommunications and electronic media.
- Dr Jim Norton is Visiting Professor of Electronic Engineering at the University of Sheffield and is a policy advisor in the field of telecommunications and electronic communications. He is a board member of the UK Parliament’s Office of Science and Technology and he is also a member of the Forward Looking Panel of the Commission for Communications Regulation.

Consumers Look Forward to Single Bill for All Fixed Line Phone Services

The recent introduction of Wholesale Line Rental (WLR) has made it possible for alternative fixed line operators (OAOs) to offer consumers a single bill for all their fixed line telecommunications services. Smart Telecom has already completed Service Establishment Testing with eircom’s Wholesale division and has already started to process orders for the new product. Access Telecom is also beginning to place orders.

Competing operators order WLR from eircom in conjunction with Carrier Pre Selection (CPS) so as to

provide both the calls and the line as a single service to their customers. This is in contrast to the current position for CPS customers, who have a calls service with an alternative service provider, but continue to receive a second bill from eircom for their line rental. As WLR provides for resale of every aspect of eircom’s telephone service, operators will find themselves supplying some quite unlikely rented items such as acoustic hoods and even footrests, as well as more conventional items such as telephones.

Early indications are that the new

service will prove very popular with customers and the initial feedback from Smart Telecom’s existing customers shows signs of pent up demand. Access Telecom has used the product to provide a new service in conjunction with the GAA - GAA Telecom - which was launched in Croke Park by the Minister for Communications, Marine and Natural Resources, Dermot Ahern TD.

Other operators, such as MCI and ESAT BT, are undertaking the internal systems development to enable them to offer this product in the coming months. Bill

Murphy, CEO of ESAT BT, went as far as to suggest that WLR represented the beginning of real competition in the Irish telecoms market in a recent newspaper interview. WLR does represent a major enhancement of the competitive landscape and it gives some indication of how important ESAT BT expects the development to be.

ComReg has worked with industry in coordinating the substantial programme of inter-operator development required to implement the technical and operational features of WLR. The retail single billing product reflects a complex inter-operator product with novel features, in particular line status enquiry which allows a competing operator

access to the details of the service being provided by eircom after the customer has signed up to move to that operator's service, but before the order has been placed so that the transfer can be seamless and trouble free.

Consumers: Protecting Consumer Rights

One of ComReg's main objectives, as set out in the The Communications Regulation Act, 2002, is to promote the interests of users of electronic communications networks and services. As a result, ComReg has developed a 'consumer policy' with a view to promoting the best interests of consumers:

Maximising Consumer Welfare

ComReg's aim is to ensure choice, price and quality for consumers. We pursue this aim through developing the framework within which effective competition is ensured. Market entry is facilitated through a simplified process of notifications, which replaced licensing procedures. ComReg has also established the parameters for the development of a Universal Service Obligation, and has also maintained the regulatory obligations appropriate to operators with Significant Market Power.

Protecting Consumers

Our aim is to have measures in place to protect consumers while competition is developing. This we partly achieve through requiring all operators to provide their customers with a written contract and to have complaint handling procedures in place and operated. In addition

ComReg provides a facility to pursue complaints where consumers feel let down by the operator's own procedures (see ConsumerLine below).

Complaints can arise from an operator not observing a regulatory obligation. ComReg investigates whether there has been a breach and in such cases, the operator will remedy the breach when it has been brought to our attention.

Raising Consumer Awareness

We also aim to provide consumers with relevant information to allow them to make informed choices in the market. This is achieved through the publication of relevant information. Recent publications have focussed on:

- Directory Enquiry Services
- Fixed Telephony Choice
- Rights when making a complaint
- Modem Hi-jacking
- Prepaid Phonecards

In addition, ComReg's Consumer Line provides callers with advice and information on specific topics.

ComReg's ConsumerLine

While the primary emphasis of ComReg's consumer complaints policy is to ensure that consumers

have the ability to take direct action regarding poor service or other issues, we will also pursue complaints by consumers where they have exhausted all levels of the operator's complaint handling process. The 2002 Act specifically gives ComReg the power to investigate complaints from consumers. ComReg's ability to act upon a consumer's complaint depends on the particulars of the issue raised and ComReg's relevant legal powers. Where the complaint relates to a breach of a regulatory obligation, ComReg can directly intervene to address the issue and require specific action. On other issues we will raise the matter with the operator to request further consideration of the complaint

ComReg has a LoCall telephone number for consumers who wish to contact the office - 1890 229 668. This is attended during office hours and messages may be left at other times. Depending on the nature of the consumer's issue, advice will be provided or details of the complaint taken and ComReg will contact the relevant operator. The procedures agreed with the operators result in most complaints being addressed within 10 working days.

Details of the volume of complaints and queries ComReg received to April are:

Year 2004	Jan	Feb	Mar	Apr	Total
Complaints	173	148	130	112	563
Queries	603	622	598	527	2,350

Minister Ahern Nominates ComReg to Regulate .ie Domain



Dermot Ahern TD, Minister for Communications, Marine and Natural Resources.

The Minister for Communications, Marine and Natural Resources, Dermot Ahern TD, has announced that regulation and control of Ireland's domain name - .ie - will be transferred to ComReg.

Officials at the Minister's Department are currently drafting legislation to provide for the transfer of the .ie domain name registry (IEDR) to ComReg. The latest domain name figures show almost 40,000 websites with .ie registrations.

Minister Ahern said that the heads of a Bill are being prepared providing for the regulation of the functions carried out by the IEDR in relation to the management of the .ie domain

name be vested in ComReg. The new Bill will provide also for fines of up to €2,000 daily for non-compliance with regulations laid down with the operation of the registry.

Minister Ahern said: "The .ie name is Ireland's website address. As such it is in a sense a national resource. I want to ensure that Ireland's national domain name registry is in a position to thrive and benefit business and consumers alike. I believe the transfer of responsibility to an organisation such as ComReg will immeasurably strengthen the operations of the registry. In addition, increased regulatory sanctions will ensure that those in breach of domain name regulations will be hit in their pockets."

Over 110,000 Have 'Ported' Their Mobile Numbers

Over 110,000 mobile numbers have been ported between the three networks since Mobile Number Portability (MNP) was successfully launched in the Irish market by all three mobile networks in July 2003.

MNP allows mobile subscribers to retain their mobile number when moving between mobile networks. This means that all mobile customers with a 085, 086 or 087 mobile number can be an active subscriber on the network of their choice with their current mobile number. MNP was introduced because it facilitates consumer choice in mobile networks as it removes the cost of a number change when moving between networks.

Previously any number change involved cost – sometimes quite considerable - to the user who had to notify friends and family of their new number or reprint cards or stationery. Since the introduction of MNP, consumers

can now choose to move between networks, where they may get a better deal on tariffs or services with another network, without incurring the additional cost and inconvenience of a number change.

The MNP solution for Ireland was designed to make porting to a new network as quick and as customer friendly as possible, and as a result most ports are completed within the target 2-hour port timeframe. The MNP process is based on a two-stage process, where the customer will contact the new network of their choice to set up their new subscription in the usual manner but they also have the option to port their number from their old network. To do this, the customer will be required to provide certain information to their new operator, who will validate their request to ensure a safe and secure process. Customers can make a port request at anytime during retail hours Monday to Sunday. There is no direct retail charge to the consumer for the service, which is available to all customers and subscriber types.

ComReg, Ofcom Tackle Cross Border Telecoms Issues

ComReg has formed a joint working group with its United Kingdom counterpart Ofcom to explore solutions to the particular problems affecting telecommunications users on both sides of the border.

The joint working group will meet regularly over the next number of months. It will follow an EU-wide policy objective of enhancing the single market, by identifying and seeking to address a range of issues which could benefit consumers on both sides of the border in their everyday use of

telecommunications services.

Mobile subscribers along the border have faced particular difficulty, as the provision of telecommunications services across the border has often involved communications across two jurisdictions. Compared with national services, the introduction of this international element has often introduced additional costs and considerations which end-users have to take into account when using these services.

The new working party will discuss with mobile network and fixed telephony operators a way forward which is in the best interests of consumers and businesses in both parts of the island, but which also maintains the competitiveness of the telecommunications industry.

ComReg Chairman John Doherty said "the facilitation of a better cross-border telecoms service can promote trade and business development in the border region and on the entire island. On behalf of ComReg, we

look forward to working on this important project with our colleagues in Ofcom. We hope that our joint endeavours will find solutions which will contribute to resolving some long standing cross-border telecoms issues, including international roaming.”

Consumers and businesses in both the Republic and Northern Ireland have been suffering for many years from the high costs associated with international roaming and the transfer of data. Oftel, the UK’s previous telecoms regulator, the Northern Ireland Advisory Committee on Telecoms and ComReg have all highlighted in recent years what are now quite longstanding problems.

In policy directions issued in March, the Minister for Communications, Marine and Natural Resources, Dermot Ahern TD, specifically highlighted the issue of roaming as one which impacts particularly on people living in the Border Regions.

RTE’s Transmission Network Designated As Having “Significant Market Power” by ComReg

The Commission for Communications Regulation has designated RTE Transmission Network Limited (RTNL) - the transmission operating arm of Radio Telefis Eireann (“RTE”) - as having Significant Market Power (SMP) in the two wholesale markets for radio and television broadcasting transmission services on national analogue terrestrial networks.

ComReg is obliged by the EU to assess competition levels in key mobile, fixed and broadcasting markets. If ComReg believes certain operators have significant market power, it can impose regulatory obligations such as forcing operators to disclose pricing tariffs and transparency.

In a consultation document last year, ComReg said it was proposing to oblige RTE Networks to operate in a transparent and non-discriminatory fashion in these markets.

The decision follows an extensive market review process carried out by ComReg over the past year, as required by the new communications regulatory framework which came into effect in 2003. The measures imposed under this decision were also notified to the EU Commission and other national regulatory authorities in accordance with Regulation 20 of the Framework Regulations. The notified measures were accepted by the EU Commission on 2 March 2004.

ComReg will now consult interested parties on what regulatory obligations to impose on RTE Transmission Network. Having determined that the relevant markets reviewed are not effectively competitive and having identified an SMP operator, ComReg is next required to impose ex ante regulatory obligations that are appropriate, based on the nature of the problem identified, proportionate and justified. ComReg will consult fully on the remedies which it considers are appropriate in relation to this matter.

The full decision notice ComReg 04/47 is available on the ComReg website.

Postal Service Competition Sees ‘Postal Service Authorisations’ Awarded

ComReg has issued “Postal Service Authorisations” to 15 companies since Regulation 7(1) of the European Communities (Postal Services) Regulations, 2002, S.I. 616 of 2002, came into force on 1 January 2004, the date on which the market for outgoing cross-border mail was fully opened to competition.

The 15 companies range in scale from large multi-national express companies to local courier companies. Some companies specialise in the distribution of parcels, while others are authorised to provide cross-border mail in competition with An Post.

Under the Regulations a postal service provider (other than An Post) with an annual turnover of more than €500,000, excluding VAT, must apply to ComReg for a postal service authorisation. Failure to do so, or providing a postal service having been refused a postal service authorisation, or after the postal service authorisation has been withdrawn, is an offence and is liable on summary

conviction to a fine of up to €3,000.

In this context the legal definition of “Postal services” is much wider than the traditional first class letter service provided by An Post. The formal definition means services involving the clearance, sorting, transport and delivery of postal items. In addition to items of correspondence, postal items also include books, catalogues, newspapers, periodicals and postal packages containing merchandise with or without commercial value. Document exchange and other value added services such as those provided by express parcels and courier companies also come within this definition of postal services.

Details of the Authorisation Procedures can be found in ComReg document 03/139r “Regulation of Postal Services – Postal Service Authorisations, Reserved Area Controls & Levy Procedures” which can be downloaded from the ComReg website www.comreg.ie

Names of authorised providers as of May 2004.

DHL International (Ireland) Ltd.
United Parcel Service of Ireland Ltd
TNT Express (Ireland) Ltd
Federal Express Europe Inc
G3 Worldwide Mail N.V.
Securisppeed Despatch Ltd
Cyclone Couriers Ltd
Iarnrod Eireann
Irish Swift Post Ltd
Hays DX (Ireland) Ltd
Whiterush Ltd
Tahchee Couriers t/a Hurricane Couriers
Relay Express Ltd
Lettershop Services Ltd
Interlink Ireland Limited

Thirty Nine Fixed Wireless Access Local Area (FWALA) Licences Awarded



Commissioner Isolde Goggin and Mr. Tadgh O'Toole and Mr. Joe O'Toole of Mid-West Network Solutions at the awarding of the FWALA licences.

Thirty nine Fixed Wireless Access Local Area (FWALA) licences have been awarded by ComReg to nine different service providers around the country. The licences have been for both urban and rural areas, and thirty eight have been for spectrum in the 3.5GHz band. Given that the licensing schemes are ongoing, ComReg expect to make further licence offers in due course.

Fixed Wireless Access (FWA) is a method of delivering electronic communications services by means of radio waves rather than conventional 'wired' connections. Many communications services can be carried by an FWA system, but typically voice telephony and broadband data services ranging

from asymmetric digital subscriber line (ADSL) equivalent to leased line replacement can be provided.

While FWA technologies vary from vendor to vendor, typically FWA is deployed with 'point-to-multipoint' type architecture. This comprises of a central base station (BS), where the FWA system integrates with the service provider's backbone network, and numerous customer premises equipment (CPE). The BS provides a 2-way radio connection to the multiple CPE locations and hence the name 'point-to-multipoint'.

A typical single BS can provide radio connections and service multiple CPE, delivering a point-to-point deployment. One BS can service a

variety of customers from residential to larger customers.

FWA provides an alternative platform for voice and data communications to connections traditionally made by copper or cable. Such an alternative facilitates further competition in the market for the provision of communications services, particularly broadband services, to those traditionally available. In addition, FWA may provide broadband connections in rural areas where these services are not currently available by copper or cable.

ComReg has responded to significant market demand for broadband connectivity and a renewed interest on the part of telecoms operators to provide FWA services by introducing licensing regimes for FWA on a local area basis or Fixed Wireless Access Local Area (FWALA). FWALA licensing regimes have been developed for the 3.5GHz, 10.5GHz and 26GHz bands.

A FWALA licence permits the licensed operator to provide service to a limited geographical area (referred to as a 'service area') by FWA while limiting the possibility of radio interference into adjacent geographic areas. This approach allows operators to develop sustainable business cases ranging from a single local area service to near-nationwide service.

Applications for FWALA licences are considered on a first come, first served basis. Where applications are received from two or more operators for the same or overlapping geographic service areas on the same day, ComReg conducts a comparative evaluation of the applications in order to make FWALA licence offers.

Further details of the FWALA licensing regime, the current licensees and licensed service areas are available from the ComReg website, www.comreg.ie/FWABroadband/FWABroadband.asp

ComReg 'Best Human Resources Development' in the Public Service



ComReg receives the Institute of Training and Development (IITD) National Training Award. Shay O'Malley, Director of Human Resources, ComReg Chairman, John Doherty; and Siobhan Ni Cheallaigh, Training and Development Manager

ComReg has been awarded the 2004 Irish Institute of Training and Development (IITD)/FAS National Award for Human Resource Development in the Public Services category. ComReg employs 120 staff, including engineers, accountants, lawyers, economists and business analysts.

This is the second time in three years that ComReg has won this award, having also been successful in 2002, and is the third major HR Award won by the organisation in the past year – it

was also successful in the 'Excellence Through People' national standard, as well as being awarded the Institute of Engineers of Ireland (IEI) award for Continuing Professional Development (CPD).

ComReg's organisational structure is based on highly motivated cross-functional teams working together with a strong commitment to collaborative problem-solving and underpinned by its core values of effectiveness, integrity, impartiality and professionalism.

"ComReg operates in a dynamic, complex environment, and our capacity to integrate our HRD strategies with the strategic goals of the organisation is central to our overall effectiveness," said Shay O'Malley, ComReg's Human Resources Director. "We believe that our HR strategy should create the environment for people to become self-motivating and this award provides independent recognition that we have the systems in place to support our business objectives and desired culture"

ComReg Appointments

ComReg is pleased to announce the appointment of Mr Sebastian Farr as its Senior Legal Advisor. He has overall responsibility for legal affairs in ComReg. Mr Farr was previously Head of Legal Affairs at the UK regulator Oftel.



Sebastian Farr

ComReg is pleased to announce the recent appointment of Ms Caroline Dee-Brown as Manager, Legal Services. Caroline will be responsible for the provision of legal services to the Commission and specifically the Market Operations Division.



Caroline Dee-Brown

About ComReg: Organisation Structure

The Commission for Communications Regulation (ComReg) is chaired by John Doherty and is divided into five main divisions, supported by the Senior Legal Advisor and a Public Affairs Unit. The structure is based on cross-functional teams operating in a multi-disciplinary environment.

Commissioner John Doherty
Commissioner Isolde Goggin

Market Development - Director: Gary Healy

Market Development is responsible for developing and maintaining an understanding of the status and potential development of the communications sector in Ireland. Identifying and gathering relevant information to enable ComReg to forecast any new developments and future trends is a core activity of this Division. Market Development is also responsible for issuing Market Information Updates and liaises regularly with international telecommunication bodies such as the OECD on market data.

Market Framework - Director: David Gunning

Market Framework is responsible for managing the general authorisation regime for the electronic communications sector in Ireland and monitors compliance with general authorisation conditions. Market Framework also manages radio spectrum and approximately 15,000 Wireless Telegraphy licences to various operators. In addition, Market Framework also administers Ireland's National Numbering Plan.

Market Operations - Director: Mike Byrne

Market Operations handles day-to-day issues concerning the regulation of the market including such issues as interconnection, dispute resolution and unbundling the local loop. Supervision of pricing and ensuring a universal service for all consumers in respect of eircom is a principal activity of Market Operations. This Division also administers the Consumer Affairs section.

Finance & Regulatory Accounts - Director: Donal Leavy

This section manages the financial control of ComReg and Regulatory Accounting issues. In the latter respect, it is charged with investigating the cost base of the principal operators to ensure that their prices are cost based.

Human Resources - Director: Shay O Malley

This Division develops and implements human resources strategies designed to enhance organisational performance and effectiveness. Our Human Resources Division is responsible for the human resources, information systems, freedom of information and general facilities management functions.

Legal Advisor: Sebastian Farr

The Senior Legal Advisor advises on all major legal matters and on the legal implications of communications policies in Ireland and the EU.

Public Affairs Unit - Manager: Tom Butler

Our Public Affairs Unit issues press releases and communicates messages and statements on behalf of ComReg to the media and general public. This Unit also manages our website, organises conferences and seminars and publishes our Annual Reports and other publications.

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Other useful contacts:

Broadcasting Commission of Ireland

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Competition Authority

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Department of Communications Marine & Natural Resources

Tel: (01) 678 2000
Fax: (01) 661 8214

Office of the Data Protection Commissioner

Tel: (01) 874 8544
Fax: (01) 874 5405

Office of the Director of Consumer Affairs

Tel: (01) 402 5500
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Regtel – Regulator for Premium Telephone numbers

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