



Commission for
Communications Regulation

Information Notice

ComReg notifies Eircom Limited of a finding of non-compliance

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The Commission for Communications Regulation (“ComReg”), pursuant its functions provided for at Sections 10(1)(a), 10(1)(d) and 10(2) of the Communications Regulation Acts 2002 - 2010¹, has recently conducted an investigation into the compliance of Eircom Limited (“Eircom”) with its regulatory obligations in the market for Wholesale Terminating Segments of Leased Lines set out in ComReg Decision D06/08, 2008 (“Decision D06/08”)².

In summary, ComReg found that, with regard to its bid and subsequent contract for the provision of Ethernet services to Telefónica O2 Ireland Limited, Eircom was not compliant with its Access, Non-discrimination, Transparency and Cost Orientation obligations provided for at Sections 6, 8, 9 and 11 of Decision D06/08.

On 30 November 2010, pursuant to Regulation 18(1) of the European Communities (Electronic Communications Networks and Services) (Access) Regulations, 2003 (“the Access Regulations”)³, ComReg notified Eircom of its finding of non-compliance.

Eircom has until 10 January 2011 to either make representations in relation to the notification or to remedy any non-compliance.

Any representations made by Eircom, and/or actions taken to comply with the obligations, will be considered and taken into account by ComReg in any opinion it may reach regarding a requirement for further action pursuant to Regulation 18(4) of the Access Regulations.

¹ Communications Regulation Act, 2002 (No. 20 of 2002), as amended by the Communications Regulation (Amendment) Act 2007 (No. 22 of 2007), and as amended by the Communications Regulation (Premium Rate Services and Electronic Communications Infrastructure) Act 2010 (No. 2 of 2010).2007 (No. 22 of 2007).

² Decision Notice and Decision Instrument - Market Analysis - Leased Line Market Review, Response to Consultation on draft Decision Instrument Final Decision Notice and Decision Instrument (Decision No: D06/08, Document No: 08/103, Date: 22 December 2008).

³ European Communities (Electronic Communications Networks and Services) (Access) Regulations 2003 (S.I. No. 305 of 2003), amended by the European Communities (Electronic Communications Networks and Services) (Access) (Amendment) Regulations 2007 (S.I. No. 373 of 2007).