



Commission for  
**Communications Regulation**

## Information Notice

**ComReg notifies Eircom Limited in Examination (under the companies (Amendment) Act 1990) ("Eircom") of a finding of non-compliance with respect to conditions and procedures for contract termination**

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| <b>Document No:</b> | <b>12/35</b>         |
| <b>Date:</b>        | <b>25 April 2012</b> |

1. On 25 April 2012, the Commission for Communications Regulation (“ComReg”) notified Eircom Limited in Examination (under the Companies (Amendment) Act 1990) (“Eircom”) with a finding that, with respect to contracts outside any minimum contractual period, it had not complied with Regulation 25(6)(b) of the Universal Service Regulations<sup>1</sup> having:
  - a. failed to ensure that its conditions and procedures for contract termination do not act as a disincentive to a consumer to changing service provider.
  - b. pursuant to clause 4.1 of Eircom’s contract entitled Terms and Conditions for Telephone Service, since 1 July 2011 (and to date) applied a charge to consumers outside of the minimum contract period, who had switched service provider and had not provided one month’s prior notice in writing requesting termination of the telephone service contract.
2. Regulation 25(6)(b) provides that: “Without prejudice to any minimum contractual period the undertaking shall ensure that conditions and procedures for contract termination do not act as a disincentive to a consumer to changing service provider.”
3. Pursuant to Regulation 25(6)(b) and Regulation 31 of the Universal Service Regulations, Eircom has four weeks following the date of issue of the notification of a finding of non-compliance within which to state its views.
4. Regulation 31 of the Universal Service Regulations provides that if at the end of the four week period referred to above ComReg is of the opinion that an undertaking has not complied with its obligations ComReg may apply to the High Court for such an order as may be appropriate by way of compliance with those obligations.

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<sup>1</sup> European Communities (Electronic Communications Networks and Services) (Universal Service and Users’ Rights) Regulations 2011 (S.I. No. 337 of 2011).