



Commission for
Communications Regulation

ComReg -v- Lycamobile Ireland: District Court Hearing on Failure to Provide Information to ComReg

Information Notice

Reference: ComReg 16/34

Date: 5 May 2016

1. Today (5 May 2016) Lycamobile Ireland Limited ('Lycamobile') was found guilty of the offence of failing to comply with a request for information made by the Commission for Communications Regulation ('ComReg') using its statutory information gathering powers. On hearing the evidence, District Judge John O'Neill said that he had no difficulty in recording a conviction against Lycamobile. Judge O'Neill declined to apply the probation act and hearing no prior convictions, imposed a fine of €3,000. Judge O'Neill also ordered Lycamobile to pay a contribution towards ComReg's costs.
2. The information requested was in connection with ComReg's ongoing review of the wholesale local access ('WLA') and wholesale central access ('WCA') markets which facilitate the provision of wholesale and retail fixed telephony, broadband and other services. Market reviews such as these are a critical component of regulation and the timely and accurate provision of information by service providers enables ComReg to assess competition within markets and ultimately decide whether regulation is required, to the benefit of consumers.
3. Section 13D(1) of the Communications Regulation Act ('the 2002 Act')¹ provides that ComReg may at any time, by notice in writing, require an undertaking to provide it with such written information as it considers necessary to enable it to carry out its functions or to comply with a requirement made to it by the Minister. Section 13D(2)(a) of the 2002 Act makes it a criminal offence for an undertaking to fail to comply with a requirement made under Section 13D(1) of the 2002 Act within the period specified in the notice or within such extended period as ComReg allows.
4. ComReg's power to obtain information pursuant to Section 13D of the 2002 Act is essential to properly carrying out a wide range of its statutory functions, including but not limited to market analysis. ComReg will continue to use its powers under Section 13D of the 2002 Act where it considers it appropriate and will take whatever steps it regards as necessary to ensure compliance.

¹ The Communications Regulation Act 2002 (No. 20 of 2002), as amended.