



Commission for  
**Communications Regulation**

# **ComReg v Vodafone: District Court Hearing on Failure to Provide Information to ComReg**

## **Information Notice**

**Reference:** ComReg 15/101

**Date:** 08/09/2015

Vodafone yesterday (7 September 2015) pleaded guilty to the offence of failing to comply with a request for information made by ComReg using its statutory information gathering powers. Vodafone also agreed to make a contribution to ComReg's costs, in the amount of €15,000, and indicated that it has put in place a range of measures to prevent any recurrence of such an offence. Taking account of these facts, District Judge John O'Neill applied the Probation Act, on the undertaking that Vodafone also make a charitable donation of €7,500 to Crumlin Children's Hospital.

The information requested was in connection with ComReg's ongoing review of the wholesale leased lines market which is concerned with the provision of high speed broadband connectivity to businesses. The review is a periodic exercise to assess whether regulation is required in this market segment and, if so, to what extent it is needed.

Section 13D(1) of the 2002 Act (as amended) ("the Act") 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 Act makes it a criminal offence for an undertaking to fail to comply with a requirement made under Section 13D(1) within the period specified in the notice or within such extended period as ComReg allows.

ComReg's power to obtain information pursuant to Section 13D of the Act is essential to properly carrying out a wide range of its statutory functions, including but not limited to market analysis. It will continue to use its Section 13D powers where it considers it appropriate and will take whatever steps it regards as necessary to ensure compliance.