



An Coimisiún um  
**Rialáil Cumarsáide**  
Commission for  
**Communications Regulation**

# District Court Prosecution

## Update from 11 December 2017

### Information Notice

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**An Coimisiún um Rialáil Cumarsáide**  
**Commission for Communications Regulation**

1 Lárcheantar na nDugaí, Sráid na nGildeanna, BÁC 1, Éire, D01 E4X0.  
One Dockland Central, Guild Street, Dublin 1, Ireland, D01 E4X0.  
Teil | Tel +353 1 804 9600 Suíomh | Web [www.comreg.ie](http://www.comreg.ie)

## Regulation 45(1) of the Communications Regulation Act, 2002 (as amended) (“the Act”)

1. On 11 December 2017, Yourtel Limited (“Yourtel”) was convicted of 88 charges of incorrect charging of customers for electronic communications services before the Dublin District Court.
2. In 2014 ComReg received a number of complaints from consumers who claimed that they were being double billed for the same phone services. In January 2015 ComReg commenced an investigation into these complaints about Yourtel. The investigation found evidence that Yourtel was billing customers for services that had not been provided by Yourtel.
3. ComReg initiated a prosecution of Yourtel and proceedings commenced in Dublin District Court on 16 January 2016.
4. The prosecutions were brought under Section 45 of the Act, which provides as follows:

*“45. — (1) An undertaking shall not impose, or purport to impose, a charge —*

*(a) for supplying an electronic communications service or electronic communications product to a consumer that exceeds the amount for that service or product specified —*

*(i) in the undertaking’s published tariff of charges, or*

*(ii) in a written statement previously made or given to the consumer by the undertaking in relation to that supply,*

*or*

*(b) for supplying an electronic communications service or electronic communications product to a consumer that was not requested by the consumer,*  
*or*

*(c) for an electronic communications service or electronic communications product that was requested by a consumer but was not supplied.”*

5. Yourtel is an “undertaking” for the purposes of prosecutions pursuant to Section 45 of the Act.
6. The outcome of this case against Yourtel is detailed below:
  - a) Yourtel pleaded guilty to 88 charges brought against it.

- b) Judge Flann Brennan imposed criminal convictions for each of the 88 charges and ordered Yourtel to pay a total of €66,000 in fines.
  - c) The evidence of Yourtel company director Marijan Vukusic was that Yourtel had made full refunds to all affected customers in the projected amount of €124,526. It was also acknowledged that Yourtel did not deal with these customers appropriately.
7. ComReg will continue to monitor the complaints it receives from consumers and will continue to investigate matters arising in respect of Section 45 of the Act and other relevant regulatory obligations.